

Reviewing the Change: A Comparative Historical Analysis on Immigration Control Policy Change within New Zealand

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Abstract

Immigration plays a key role in international politics and contributes socially, politically and economically to the functions of a state. Understanding and analysing the immigration policy of a nation is therefore very important; as it allows knowledge to be gained regarding what factors can influence a nation's immigration policy to change and how these factors can be identified.

This thesis focuses on five theories that are recognised internationally as attempting to identify the factors that can influence immigration control policy change and therefore explain why immigration policy does change over time. These five theories are then compared to ten specific immigration policy changes that have occurred within New Zealand since 1964 in order to discover which theory best explains and identifies the key influences.

In a world that is being made smaller through globalisation, immigration and immigration policy continues to maintain an important status in international relations and politics. This thesis aims at filling the gap in immigration research within New Zealand by analysing the factors that influence immigration policy to change, rather than focusing on whether immigrants themselves are an economic benefit or detriment to the economy of New Zealand. Immigration is not a monolithic term, and only by analysing how immigration policy has been influenced in the past can future changes to the immigration policy of New Zealand can be made with knowledge and understanding.

Chapter One: Introduction and Literature Review

1.1 Introduction

Immigration policy plays an important role in the politics of New Zealand, as it shapes and influences how New Zealand reacts with citizens of other nations. This thesis seeks to highlight the relationships that social, political and economic factors, together with the influences of citizenship, work ethics and nationality, can have on influencing changes to New Zealand's immigration policy. Immigration has been a contentious issue since the first colonists arrived, as the idea of belonging and a sense of community are ingrained into the human psyche; influencing what type of policy measures were, and remain enforced. Modern immigration policy has formalised these principles, as successive governments have attempted to regulate the flow of immigration and emigration into New Zealand. Many studies of immigration have focused solely on the economic and political gains and losses that immigration can bring to the nation; however, the reasons behind the changes in immigration policy have been much less explored. Recognising the factors that can influence, or directly impact, immigration policy is vital to understanding why changes to the immigration policy of New Zealand have occurred, and what may make them occur again. This knowledge should lead to better understanding of a vitally important part of New Zealand's global reputation, economic relations and national law.

Much international research (Meyers, 2000; Cornelius et al. 1992, 2004; Hollifield, 2004) has focused on what factors have altered national immigration control policy, and have developed theories to support and predict these changes. The key focus of this thesis is to see whether the same global trends can be used to analyse New Zealand's immigration

policy changes. These include not only the influence of economic, political, social and environmental factors, but also the pressure that New Zealand's global trading relationships and reputation have on this area of research. In order to thoroughly address these issues, five major theories of immigration control policy change have been summarised from previous research, and these will be sequentially applied to a timeline of ten specific changes in New Zealand's immigration policy in order to determine which theory provides the best correlation with economic, political, social and environmental factors.

In order to place these ten policy changes in perspective, this chapter will initially summarise the changes in New Zealand's immigration policy that occurred prior to the 1970s, as these may have a continuing effect into the modern era. The chapter then provides a literature review that summarises the recent changes in New Zealand's immigration policy and associated factors after the 1970s. This chapter finally presents an outline which provides a brief description of the aims and analysis objectives contained within each chapter.

1.2 New Zealand Immigration Background

New Zealand is a settler-based nation formed by waves of immigration. This commenced with Polynesian settlers, possibly around the mid 1300s, followed by unofficial residency by European whalers, sealers and traders from the late 1700s. The formal annexation and inclusion of New Zealand in the British colonial administration provided no limits to the initial arrival of European traders prior to the 1840 Treaty of Waitangi. After gaining sovereign independence by the signing of this document, assisted immigration schemes were established by the New Zealand Company with the fledgling settlements,

such as Wellington and Nelson in the mid 1800s. These schemes focused on migrants from the United Kingdom countries of Britain, Ireland and Scotland; however, citizens from other European nations, including Germany and Scandinavia were also permitted entry. New Zealand was often described as the 'land of milk and honey' and advertised as 'Gods Own Country', ensuring that New Zealand was seen as an attractive destination for these migrants.

However, while the immigration policy during this time was focusing on encouraging the immigration of one group, at the same time it focused on preventing other groups, in particular Asian cultures, from entry. The gold-rush years of the 1880s provided the first challenge to the colonial administration as the gold-rush mentality attracted non-European migrants, particularly the Chinese. This bias toward British immigration continued until the mid twentieth century, when economic and environmental factors forced a revision of New Zealand's immigration policy. This renounced the imperial preference in favour of immigration and investment from a wider range of nations. A comparative look at the brief history of New Zealand will ensure that the factors which have affected more recent immigration policy can be competently examined, as knowledge of this history is important to place subsequent analysis in perspective.

The first immigrants to New Zealand came from Eastern Polynesia around the 1300s. They located New Zealand, in the words of historian Michael King, "during a voyage of discovery and settled as a result of subsequent and deliberate voyages of colonisation" (King, 2003: 42). The first European contact to New Zealand occurred in 1642 when Abel Tasman, a Dutch navigator, explored the coastline on a mission to find 'Terra Australis Incognita' or the Great Southern Continent in order to "discover, explore, assert and lay

claim”(Ibid: 85). The second explorer, Captain James Cook, who arrived in 1769, annexed New Zealand for Great Britain; ensuring that New Zealand would remain within the British periphery, as its economic resources and commodities were sought after by other European nations, including Holland and France. The contact between Europe and New Zealand was strengthened by the building of British penal colonies in Australia, notably Port Jackson in 1788 and Hobart in 1803. The first European settlers included convicts that had jumped ship from Australia to live in New Zealand, and also sealers and whalers that came to exploit the natural resources. Assisted migration programmes began in the mid 1800s, with advertising campaigns marketed toward Britain, Ireland and Scotland, emphasising New Zealand as a place where land could be owned and fortunes could be made.

These campaigns were successful in bringing over many European migrants and establishing British-based settlements throughout the colony. With the signing of the Treaty of Waitangi in 1840, New Zealand officially became a dominion of Britain, and equal rights were granted to both Maori and Pakeha. However, the nature of land claims and the imposition of the European legal and economic systems were heavily biased toward the Europeans as the Maori had a tribal system of land ownership. The possibility of land and natural resources gain was enough to entice many settlers from the United Kingdom, so that the “society was settling from the 1880s, as Pakeha born in New Zealand began to outnumber migrants”(Mein Smith, 2005: 96). This fact did not weaken ties with Britain; instead it reflected the opinions of the time, as although the migrants had left the ‘old world’ they were more concerned with creating a better Britain than a new and independent nation. Although British migrants were enthusiastically recruited and assisted, the same treatment was not shared to other races. Indeed, “for New Zealand to be a white

country and home to a better British stock, it had to exclude alien races” (King, 2003: 320), and in particular the Chinese. Although Chinese migrants had been present in New Zealand since 1865 in the Otago goldfields, and the numbers of migrants were greatly exaggerated, they suffered from misunderstandings and prejudice.

In direct response to these perceived concerns, one of the first immigration control policies was introduced in the 1890s against the Chinese. This included a poll tax on Chinese immigrants of £10 and required that only one Chinese migrant was allowed into New Zealand per every 100 tons of cargo. In the late 1890s, numbers were further restricted by increasing the poll tax to £100 and increasing the cargo requirement to 200 tons, double what was previously listed (Ibid). One of the main reasons behind this policy change was social and political fears; the perceived ‘Asian invasion’ was heightened by settler paranoia about the small population and remoteness of New Zealand being unable to defend itself against an Asian military threat. In addition to this, the European settlers saw members of the Asian race as undesirable in their efforts to replicate a better Britain; leading historians of this era to consider that, “the real enemy of the Chinese was the ideal society” (Mein Smith, 2005: 117). Imperial rule from Britain upset proposed legislation further promoting Asian discrimination in 1896, forcing New Zealand and Australia to change their immigration policies. The proposed The Asiatic Restriction Bill was designed to prevent Japanese, Chinese and Indian migration into New Zealand. This was discouraged by Britain as India was a British colony and Indians were honorary British citizens. New Zealand was forced to compromise with the 1899 Immigration Restriction Act that “prohibited migrants of non-British or Irish parentage who were unable to pass an English language test” (Ibid). This

‘White New Zealand’ policy remained until the 1940s, reflecting the belief of the European settlers of the time that to be pure and superior was to be white.

Economic realities began to strongly influence New Zealand's immigration policy as a result of the Great Depression and the two World Wars. The First World War, (1914-1918) resulted in a great suspicion toward all non-British migrants due to the fear that foreigners would usurp important commodities such land, wages and housing; leading to stricter and more restrictive immigration policies. The first depression was felt in 1929, resulting in New Zealand no longer being viewed as an attractive migrant destination by Europeans. The government was also financially unable to assist immigration, and consequently the Department of Immigration closed in 1932. “From that year until 1935, 10,000 more people left New Zealand than arrived...The doors of New Zealand were essentially closed” (Phillips, 2009). The antipathy toward immigration was shared by both New Zealand’s political parties, as shown by newly elected Labour Prime Minister Savage’s speech: “We are not going to pay anyone’s fare to come to New Zealand ... until we have solved our own economic problems” (Hutching, 1999: 34). Whilst New Zealand’s economy slowly improved after 1936, it remained strongly reliant on the British market. The outbreak of World War II (1939-1945) effectively prevented assisted migration from resurfacing and resulted in further mistrust directed of immigrants, in particular those of Asian, German, Hungarian and Dalmatian descent. The progression of the Second World War was important to New Zealand as the war was much closer to home, as Japan had conquered many islands of the Pacific and created a wide sphere of influence in that area. This was one factor that led to the realisation by New Zealand of how vital relations with the Pacific and Asia were both strategically and economically. A further factor was the abject failure of Britain to fully

protect New Zealand in the war, leading New Zealand to “reorient its foreign policy toward the United States and Asia” (Brooking, 2004: 133). After the Second World War, the growing Communist threat in the Soviet Union, Malaya and Korea resulted in New Zealand signing the ANZUS Pact for protection (Hamby, 2002). One of the first results of changing social mentalities in New Zealand after WWII was the removal of the Chinese migrant poll-tax in 1944, and the granting of naturalisation to New Zealand-born Chinese in 1952, a right that had been denied to them since 1908. Prime Minister Peter Fraser described the poll-tax as “a blot on our legislation” (King, 2003: 320); thus signalling a desire by New Zealand to support a more open immigration policy.

In the 1960s global restrictions on immigration were transformed as border security restrictions were created and used by Canada, the United States, and Britain. New Zealand responded to this change with the 1961 Immigration Amendment Act, which required non-New Zealand citizens, including those of British descent, to obtain entry permits. The exception to this was Australian citizens, who were able to freely enter New Zealand since the 1920s under the long-standing right of reciprocal travel policies. Although this was the first policy to treat non-British and British migrants in a similar manner, thus signalling a change in New Zealand immigration policy towards less restrictive immigration, it still remained a challenge for citizens of Asian nations to gain an entry permit “unless they had family already within New Zealand” (Mein Smith, 2005; 245). This is because the White New Zealand policy, although not officially supported, remained embedded in New Zealand society until economic reasons, accompanied by the growing sense of globalisation, forced immigration policy changes to become less restrictive. “Externally, the White New Zealand policy yielded to pluralism rapidly and late as globalisation swept aside old prejudices,”

(Ibid) and in the late 1960s, New Zealand followed Australia's lead in shifting from an immigration policy that focused on the shutting out Asians, to an immigration policy that actively encouraged Asian investor migrants and recruited international students.

New Zealand as settler society was founded by Pacific, European and Asian migration, as economic, social and political factors encouraged these citizens to leave their native countries and set out for a new and distant land. Economic factors can be seen to influence migration from very early in New Zealand's history; as the natural resources of New Zealand enticed not only Polynesian migration, but also the first wave of European migration in the form of whalers and sealers, and were a driving factor behind the explorations of Abel Tasman and James Cook. Further economic considerations can be seen with the closing of New Zealand's borders due to the Great Depression after World War I and the subsequent opening up of markets to the Pacific and Asia after World War II. As support from Britain lessened in the 1950s, New Zealand became predominantly reliant on international support and trade from the Australia, United States, Asia and the Pacific; influencing the immigration policy to be transformed in regard to the nations of these regions, which can still be seen in modern times. Political factors that have impacted upon New Zealand immigration include the bias toward Britain that remained paramount until the 1960s, as many New Zealanders still regarded Britain as 'home' and were suspicious of any non-British migrants. Both the Labour and National government parties were heavily influenced by this perceived loyalty to Britain, and this impacted strongly on policy development and legislation. The subsequent changes from the White New Zealand policy to one that was more open to Asian and Pacific immigration and investment reflects the change in focus of the government from political, to economic factors. One of the main

drivers of this policy change was that the British market, once the stable and singular market for New Zealand resources, had become unable to support New Zealand. This forced New Zealand to make connections with other nations, many of them previous victims of bias under the White New Zealand policy. New Zealand has always needed migrants for investment, employment and as a source of skilled and unskilled labour; how and where New Zealand has sourced these migrants makes up our history and explains why modern New Zealand immigration policies are the way they are.

1.3 Literature Review

The main literature on the subject of immigration policy focuses on the effects of immigration on the nation itself and the comparative 'push' and 'pull' factors influencing immigration to and from New Zealand; including economic benefits, political beliefs and social and living conditions. In addition, many of the authors focus on the comparison of the impact of immigration policy on the economy, demography, legal framework and public opinion of New Zealand. What they do not focus on, however, is the reasons behind why New Zealand's immigration policy has been transformed by various governments since the 1970s and the factors that have contributed to this. Current knowledge on the issue of immigration policy comes from many sources (Meyers, 2000; Portes, 1997; Segal et al, 2010; Hollifield, 2004), and although the focus of their research is elsewhere, many of them believe that immigration policy is subject to change mainly through economic, social, environmental and political considerations. Consequently, this literature review will focus on the influence of these factors on New Zealand immigration policy change. Since the 1970s, each factor has impacted differently on immigration policy both in New Zealand and internationally, and followed different trends. Other factors, however, may influence

immigration, and although, "immigration is a simple concept with complex consequences," (NZIER, 1994) it has been, and remains vitally important to New Zealand, both as a source of economic benefits, such as investment opportunities and skilled labour, and as a link to the international world.

1970s-1980s

For New Zealand, immigration policy has always reflected its broader foreign policy, cultural, and economic concerns. In the early 1970s, however; the economic factors became of paramount consequence in regards to the country's reformulation of its immigration policies (Bell and Elliott, 1993). Immigration during this period was strongly tied to the economy, with a clear link between immigration and short-term market and labour conditions. This policy concentrated on filling labour shortages in certain industries with no focus on population growth strategies or long-term development (Ongley and Pearson, 1995). This was largely driven by the rapid economic growth between 1973 and 1974, resulting in recruitment drives to offset previous population losses (Ibid), as well as labour shortages. This economic-based immigration policy was not only present in New Zealand, as immigration into most of Europe - as well as Australian and French - was also focused on meeting labour demands, (Hollifield, 1991) and combating unemployment figures. In addition to this, immigration policy was still largely biased towards the 'traditional countries' as sources of immigration, which included the United Kingdom and Western Europe (Poot, 1993). This ensured that immigrants from 'less-desirable' nations were actively discouraged, although not prohibited. The only non-European nations that were excluded from this discriminatory immigration policy were the countries of the Pacific that had close ties; socially, historically and economically, with New Zealand. Pacific workers

played a vital role as a source of labour, and although Niueans, Tokelauans and Cook Islanders had unrestricted access as New Zealand citizens, the Treaty of Friendship of 1962 has also allowed Western Samoans to gain entry under an annual quota of approximately 1,500 migrants, as long as employment and accommodation was provided (Ongley and Pearson, 1995).

With the entry of Britain into the European Economic Community in 1973, however, New Zealand lost a vital trade link, as Britain was “recipient of 30 percent of New Zealand’s exports”; forcing New Zealand to find new markets and increased trading relations with the Middle East, Eastern Europe and the Pacific (Jardine, 2010; 12). As a consequence, the forging of new international relations ensured that a change in immigration policy was needed. By the mid-1970s, there was growing disillusionment with this economic-focused immigration policy; as the economic benefits of immigration became less important than the considerations of citizenship and political participation. The settlement of a new ethnically and culturally distinct population sparked a crisis of national identity as nations were forced to come to terms with these new citizens (Hollifield, 1991). This population growth, due to both heavy immigration and natural increases, “demonstrated the need for a reassessment of the immigration policy, particularly with Great Britain, the major sending country” (Bell and Elliott, 1993; 41). The resulting policy change contributed to the downsizing of immigrant numbers and pressure being placed on immigrants to return to their original nation, as occurred in Australia during 1971-75, (Meyers, 2002) and in New Zealand after a policy review in 1974 (Freeman, 1995). This review attempted to limit immigration as a consequence of the failing economy and concern about the rising number of over-staying migrants. This policy resulted in a crackdown on immigrants that had

overstayed their visa requirements, a factor that contributed to the notorious dawn-raids under Prime Minister Muldoon's government, where police "launched raids on Islanders suspected to carry expired permits" (Mein Smith, 2005: 244). This immigration policy change also resulted in the revocation of the open entry rights of British and United Kingdom migrants and the controlling of immigration through closer linking of the levels of immigration with the availability of housing, employment and other resources (Colman and Kirk, 1974).

1980s-1990s

This period of immigration policy in New Zealand reflected a change in the composition and structure of international migration. The development of Western industrial capabilities and the increasing wealth of the oil-rich nations of the Middle East and South America drew migrants from poorer and less-developed Third World nations (Massey, 1990) away from New Zealand. Consequently, one of the main focuses of New Zealand's immigration policy, like many other nations receiving immigrants, was to halt the arrival of illegal migrants and to reduce the number of asylum-seekers granted residency. This was attempted by imposing harsher penalties for policy-violating employers and reforming the processing procedure for asylum seekers (Meyers, 2002). Despite focusing on limiting illegal immigration, the New Zealand government began a review in 1986-7 that concluded that occupational migration should, rather than simply be a means to promote economic development, be an instrument of labour market policy (Burke, 1986). This immigration policy change transformed the key entrance criteria for immigrants into New Zealand. In a similar move to the United States, Canada, Britain and Australia, New Zealand

adopted a point-system and other new categories that gave preference to immigrant entrepreneurs, investors and those with a high level of required skills (Meyer, 2002).

This change of immigration status meant that immigrants from Third World nations, as well as skilled workers from China and other Asian areas, were able to apply for immigration status; when previously they were passed over for immigrants from more 'preferred nations'. One of the major reasons for the growth of Asian migration, in particular from Taiwan and Hong Kong, was associated with the newly introduced business immigration policy, or BIP, which by 1990 had accepted approximately 6,300 businessmen and their families as permanent New Zealand residents (Poot, 1993). The BIP aimed to economically contribute to New Zealand's growth by encouraging innovation and enterprise, increasing levels of investment and human capital, and fostering international relations. The BIP was divided into three categories: The Active Investor Migrant Category; Employees of Relocating Business Category; and the Entrepreneur Category (Harkess, et al; 2009).

Increases in migration were not limited to the Asian region, however, as changes within the Pacific appeared to have a profound effect on migration to New Zealand. A clear example of this was the 1987 Fijian coup, which resulted in an upsurge of mainly Fijian-Indian migrants that sought entry in New Zealand, temporarily changing New Zealand's entrance policy for Fijians to gain citizenship (Ongley and Pearson, 1995). Although controlled immigration was the aim of New Zealand's policy change, the immigration from Australia was the only source that remained exempt, thus maintaining the virtually integrated market for Trans-Tasman labour (Kasper, 1990). These new immigration policy guidelines for immigrant selection helped to promote and recognise New Zealand as both a

multiracial society and a strong member of the larger Pacific community. This reflected how economically important the Pacific region had become for New Zealand, both as a source of labour and a destination for trade.

1990s-2000

In the early 1990s, the new Labour government further changed the immigration policy so migrants could use the points system to enter the country without first providing evidence of employment. Instead, they could gain recognition for prior experience, qualifications and skills, family links and an ability to settle (Alves, 1991). Permanent residency was denied, however, to those who did not qualify under an occupational priority list of qualifications and skills, or who did not have an offer of full-time employment (Kasper, 1990). There were problems that arose from this immigration policy change, as the policy did not define what skills, experiences and qualifications were actually required. A further change came in the early 1990s from Maori interest groups, who argued that they should be allowed a greater say in immigration policy. These groups stated that the Treaty of Waitangi, recognised by Maori as New Zealand's founding document, only referred to immigration from Britain and other British colonies; implying that immigration from other nations was not covered by the Treaty and therefore invalid. There was a large movement who believed that this demonstrated a lack of official channels to address Maori interests (Bedford, 2003).

In 1995 further policy changes were made, with the implementation of the General Skills Category, or GSC, which focused on building New Zealand's human capacity, encouraging innovation and enterprise, as well as strengthening international bridges (NZIS,

1995). To implement this, the immigration policy underwent further changes which included: matching approvals to an annual target through an introduced quota management system; creating a GSC approval that would be governed by a points-based system with a failure point of 24; and introducing a prerequisite level of English fluency for all migrants (Spoonley and Pearson, 2004).

Several problems remained, however, with New Zealand's immigration policy, despite these previous changes. These included the belief that immigration issues could be solved through a rigid categorisation of immigrants, rather than by initiating policies that would help assimilation and a successful adjustment. As a result, the national issues arising from immigration were largely blamed on the immigrants themselves, rather than on the government (Ibid). This background indirectly assisted Winston Peters's New Zealand First party to focus their election campaign on immigration during the first MMP elections of 1996. Peters used the slogan of 'Asian Invasion' and demanded lower numbers of Asian immigrants with inflammatory speeches labelled 'Whose Country Is It Anyway?' This was despite the reality of decreasing numbers of Asian immigrants as a result of the Asian Economic crisis of 1997 and the slow economic growth that occurred in New Zealand during the late 1990s (Bedford, 2003).

2000-2005

Immigration policy during this period reflected both the changing public opinion on immigration and global occurrences that had profound effects on public opinion. In early 2001, the residence policy divided immigrants into three differing streams: the Skilled/Business stream, which accounted for around 60% of total immigrants; the Family Sponsored stream that accounted for 32%; while the International/Humanitarian stream

that accounted for 8% (Glass, 2004). This streaming policy ensured that most of the successful immigrants were economically beneficial; as applicants for the Skilled/Business stream were required not only to be highly qualified, but also have significant settlement funds, a job offer relevant to their qualifications, relevant work experience and be under the age of 35 (Glass, 2004). There were some unexpected results from these changes; however, as the Australian government had reacted negatively to New Zealand's policy decision to lower the level of English fluency needed to gain entry under the General Skills category. As a result, in March, 2001, the Australian government also transformed their social security provisions for New Zealanders moving over the Tasman to work, indicating the level of concern that Australians felt about immigrants using New Zealand as a platform to gain entrance into Australia (Patman and Rudd, 2005).

The terrorist attacks of 9/11 on the United States have resulted in global changes to immigration policy due to social and political considerations. One such change from an immigration point of view included the tightening of security restrictions that were felt all over the world. One benefit from these changes, however, was that due to the United States stricter immigration and visa policies, it was no longer an attractive and easy place for highly skilled foreign workers to gain admittance. As a result, these workers could potentially migrate to New Zealand instead (The Treasury, 1996). A further benefit to New Zealand immigration policy is the relative isolation that sets New Zealand apart from the rest of the world. This ensured that it could be relatively relaxed in regards to terrorist threats and be less focused on big-state entanglements, such as the War on Terror (Givens, Freeman, Leal, 2009). In 2002, immigration policy again became the forefront of public opinion debates as the New Zealand First party began campaigning for the elections,

focusing on immigration control. Boosted by his party's success, Peters continued to focus on preventing further immigration. In 2003, he stated that New Zealand was risking its distinctive cultural and demographic identity, as well as fundamentally threatening New Zealand's customs, values and way of life by maintaining an immigration policy that promoted multiculturalism and diversity (Rydgren, 2005). This attitude toward immigration was not seen solely in New Zealand, as there was a worldwide demand for more restrictive legislation to control immigration. This allowed anti-immigration politicians to take the advantage, seen not only by Winston Peters but also by Pauline Hanson with the One Nation party in Australia. These politicians reinforced the fears of both the working and middle classes, namely those of cheaper labour rates and higher competition for employment and higher costs of welfare, which could stem from higher levels of immigration. These politicians proposed that by introducing restrictive immigration policies, these fears and concerns could be addressed (Roy, 1970).

2005-2010

New Zealand's immigration policy programme is set on a three-year planning cycle to coincide with the election process, so this time period focuses on the end of the Labour party's policies and the beginning of the National party's policies (International Organization for Migration, 2005). In 2006, there were further changes made to the immigration policy that specifically targeted the Skilled Migrant category, so that work experience points could be awarded for experience only in the area of absolute skills shortages, rather than across a comparable labour market as was the previous policy. In addition, applicants with work experience in an area of absolute skills shortage could then claim points for work experience, despite having no employment offer (Immigration New Zealand, 2006). This

could possibly reflect the lower need that New Zealand had for unskilled migrant workers, given that employment figures were very high (Ministry of Social Development, 2009), and fewer jobs were available. Similarly, there were no places available under the Family Quota category between 1 July, 2006 and 30 June, 2007.

In 2008 the new National party needed to implement their manifesto commitments and consequently widespread changes were made to the immigration policy, resulting in the 2009 Immigration Act. The previous policies remained largely based on the 1987 Immigration Act, and were therefore considered to be outdated. The new legislative framework focused on ensuring that New Zealand could gain the labour, skills and talent needed to encourage economic growth; secure borders; and migrants that could integrate and settle well into the national community (Department of Labour, 2009). This new immigration policy also capitalised investors by merging the three existing categories, (Global, General and Professional) into two categories, Investor and Investor Plus with more focus on English language requirements and realistic investment expectations (Ibid). In relation to the free-trade agreement that was signed with the Association of Southeast Asian Nations and Australia in February, 2009, New Zealand agreed to accept a small number of skilled professionals from the Philippines and Vietnam if certain conditions, such as a genuine job offer and specific experience and qualifications, were met (Ibid).

Further changes reflected the economic focus of this immigration policy. One such change included the adjustment of the temporary work policy so that it was more responsive to the needs of unemployed New Zealanders. This limited the duration of permits for low-skilled immigrant workers to one year, and removed some occupations from

the Essential Skills in Demand and Long-Term Skills Shortage Lists. These changes not only reflected the economic considerations of the New Zealand government, but also the issues that had arisen for workers throughout the recession (Ibid). A growing concern in more recent times that could affect immigration policy in the future is environmental issues, such as global warming. These issues could include the possibility of global-warming immigrants, coined 'environmental or climate refugees' (Kenny, 2007), especially from the Pacific as the islands in this region are highly vulnerable to rising water levels. The first nation to be so evacuated is Tuvalu, where the highest points in the atolls are approximately 5 metres above sea-level. This dramatic illustration of the possible impacts of global warming and other environmental concerns may have a future effect on the immigration policy of New Zealand, especially if nations that are not already under New Zealand's protection need to be evacuated (Ibid).

1.4 Chapter Conclusion

New Zealand's immigration policy has been largely focused on the separate factors that contributed to the social fabric of the time. Of these factors, economic issues have been at the forefront of immigration policy development, reflecting how important immigration is to New Zealand's trade and international relations. The reasons behind these changes and other influencing factors, however, have had very little discussion or analysis; but in order to effectively address new global issues in the twenty-first century, these influences on the immigration policy of New Zealand must be explored. This thesis will explore the policy changes that have occurred within New Zealand in the context of five international theories in order to identify what factors have, and continue to, influence immigration policy change. On a policy level, New Zealand has been generally welcoming to

immigrants, as a small and isolated nation the skills and expertise that immigrants can bring are needed to continue New Zealand's growth and maintain its place on the international stage. This is a role New Zealand has cultivated throughout its history; however, on a social level, the history of New Zealand's immigration policy has been heavily biased toward British and European migrants; often to the detriment of other races. This history is an important aspect of New Zealand immigration, and is vital to a full understanding of what factors have influenced - and continue to influence – changes in New Zealand's immigration policy.

1.5 Chapter Outline

This thesis contains five chapters that seek to identify what theory best describes and identifies the key factors behind New Zealand's immigration policy change. Chapter Two continues this immigration policy analysis through a comparative perspective of immigration control policy research, and provides conclusions that focus on the immigration policy change theories of various nations within Europe and North America. It is important to be aware of previous policy research, as this will identify the then global views and their resulting policy responses that can be used as a basis for analysing New Zealand's immigration policy change over the years. In addition to this, using a comparative perspective will ensure the relevance of the research on New Zealand's immigration policy change as it will be set at an international level of comparison. The five theories that are used include some of the most widely accepted hypotheses in the international system, including: the Gap Hypothesis Theory, the Socio-Economic and Foreign Policy Theory, the Public Opinion Theory, Economic Factors Theory and the Nation-State and Identity Theory. Chapter Two will focus on introducing each of these theories and analyse the benefits and

downfalls of their comparative analysis.

Chapter Three focuses on the thesis methodology by introducing the ten main immigration policy changes that have occurred within New Zealand since the early 1970s. The main sources of these data are also explored, with both a historical analysis of New Zealand being used in conjunction with government and statistical information. Two websites in particular list important immigration policy changes, and these are used as justification for the changes described in this thesis. This chapter will focus on identifying the key changes that each immigration policy has brought to New Zealand immigration, and also gives a summary of the important social and political events that surround each change. This will help put each policy change in the context in which it was made, and therefore give a greater understanding of the policy in order for it to be effectively analysed.

The historical qualitative analysis of this thesis will take place within chapter four. Each theory will be comparatively analysed with respect to the ten immigration policy changes. This will provide each theory with an opportunity to explain why the changes within New Zealand's immigration policy have occurred, and what factors actually influenced the policy to change. This chapter will also focus on the policy changes that each theory cannot explain, as this will also help identify which theory, or theories, are the best fit with the New Zealand case study. This chapter includes the main analysis, and will attempt to place New Zealand immigration in the context of these internationally recognised theories in order to demonstrate that immigration policy has similarities as well as differences throughout the world.

The final aspects of this thesis will be the conclusion and recommendations provided in chapter five. This chapter will attempt to identify which of the five theories is the best fit with the changes in immigration policy of New Zealand since 1970, and identify which factors have the strongest influence on this policy change. This chapter will also review the steps of the research and discuss what problems were found. Furthermore, immigration policy will be related to interconnected global issues, such as human rights, in order for the importance of the immigration policy research to be fully understood. Finally, this chapter will identify research recommendations so that this topic can be further advanced by subsequent studies. Immigration remains an important aspect of political and social life in New Zealand, and maintains a deep and complex history in all nations; therefore, it is a vital part of human existence and requires both a knowledge and understanding that this thesis will attempt to achieve.

Chapter Two: Immigration Policy Theory in a Comparative Perspective

2.1 Introduction

Immigration policy is a topic of consistent international interest; with scholars producing views both condemning and promoting immigration on an international level. Because of the scale of this topic, it is important to consider the most influential research trends, and analyse these in a comparative perspective. By analysing this international research on immigration control policy; insights can be gained into the factors that have influenced changes in immigration policy of these other nations that can therefore be critically applied to the New Zealand case study. As there are many different views and opinions on the topic of immigration policy, this comparative perspective will be limited to the main conclusions and factors that have been accepted by a majority of the political community.

There are always difficulties, however, that must be identified and acknowledged when attempting a comparative perspective; and for immigration control policy theory the main difficulty is the lack of an overarching theory. Scholar Eytan Meyers claims that, “the greatest weakness of most literature on immigration control policy is that it does not relate to any theoretical approach” (Meyers, 2004: 9). Immigration policy analysis has until recently been focused on the benefits and detriments of immigration on the receiving nation as a whole, and how immigration policy should reflect these, rather than focusing on the factors contributing to changes of the immigration policy itself. While these researches did not focus directly on the same topic, the information found often covered a similar focus that could be used in a comparative perspective. A further consideration that must be made

is that much of the research tends to focus on the nations of Europe and North America, such as Britain, the USA, France, Germany and Canada. These nations are dissimilar to New Zealand in many ways, as they have a longer history, more complex interactions, population make-up and geographical position. Comparisons between these nations and the New Zealand situation must take into consideration these differences, as well as the similarities, if a successful comparison is to be made.

2.2 Theory One: Socio-Economic and Foreign Policy Theory

One of the foremost theories on immigration policy change comes from political theorist Eytan Meyers, who believes that a combination of both foreign policy and socio-economic factors influence and determine the immigration control policy of a given nation. Meyers lists the five factors that influence immigration control policy change as: “the state of the economy, measured by the rate of unemployment; the volume of immigration of dissimilar composition; wars; foreign policy considerations and ideological cycles” (Meyers, 2004: 12). In addition to these factors, there are other themes that must also be taken into account for successful policy. These include: the type of immigration; whether the nation in question relies on temporary or permanent migrants; the type of receiving nation; whether the society is an ethnic society or a settler state; interdependence between the foreign policy and socio-economic factors; and the structure of each state, such as the geo-political position, population density and economic structure (Ibid). By combining these themes into the theory, Meyers successfully covers many of the factors that have a close relationship with immigration. This ensures that the range of this theory is sufficiently wide enough to cover most contributing factors to immigration control policy changes.

The State of the Economy:

Meyers believes “that the state of the economy influences immigration policy through the interest group channel” (Ibid: 12), as pressures to restrict or reduce immigration access increase when there are high unemployment rates, or periods of low-wages for workers. In a recession, workers are more likely to view immigrants as competition, both for work opportunities and resources, ensuring that workers will be more likely to oppose a liberal immigration control policy that allows further immigration to occur. This pressure is placed on the government to conform, as they are focused on gaining votes from the populace and support from interest groups, ensuring that the immigration control policy will become restrictive. Contrastingly, in times of economic growth and prosperity, employers are more likely to support a liberalisation of the immigration control policy, as workers are needed in order to provide additional labour. Workers themselves may also be supportive of open immigration, as immigrant workers are regarded less as competition and more as a means of promotion to a higher-wage position. These attitudes place the same pressures on the government who, in order to gain voter approval, may liberalise the immigration control policy. On a partisan channel, the state of the economy can also have an influence on immigration policy; as economic crises can create dissatisfaction for the existing government policies and result in extremist parties that can use, and often have used, immigration as a scapegoat.

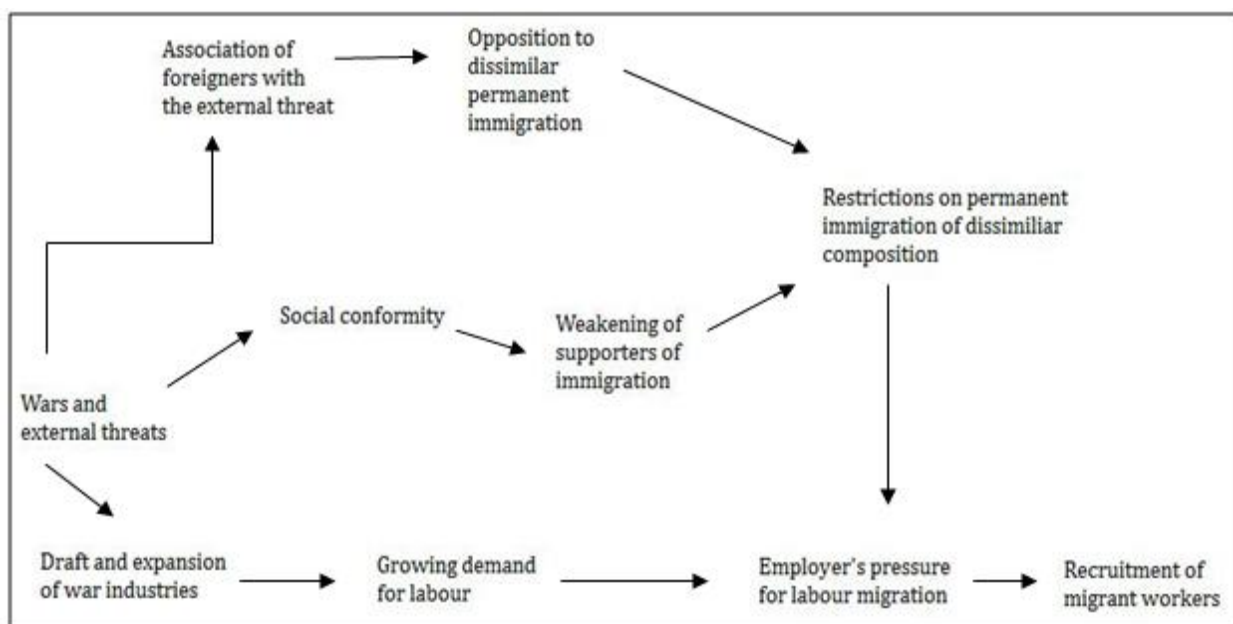
The Volume of Immigration of Dissimilar Composition:

This factor argues that immigration control policies can be influenced by large-scale immigration of a different race or ethnic composition, which can lead to opposition from the receiving society. This factor is included in other culturally based theories, as racism is perceived to be a reaction to the unfamiliar and strange. “Studies have demonstrated that

the native population tends to judge immigrants according to the degree to which they diverge from the dominant norm according to racial, ethnic and cultural terms” (Ibid: 13). This can be seen in the White New Zealand, as well as the White Australia policies, in place during the early 1900s. A high volume of immigration can also relate to the theories of competition, where migrant workers compete with native workers for the same low-level jobs, which can translate into xenophobia and racism. Taking advantage of this are the founders and key supporters of anti-immigration movements, who use the expectation from the major ethnic groups that their privilege, cultural, political and social prominence would be under attack to promote restrictions on the immigration control policy. In some cases, anti-immigration group founders are able to exploit the xenophobic feelings of the public in order to advance their own interests within the political arena, such as the One Nation party in Australia and the New Zealand First party.

Wars:

Figure 2.1: The Dual Impact of Wars on Immigration Policy



(Source: Meyers: 2000; 14)

War has a dual impact on immigration policy, as it can both facilitate the liberalisation of immigration policy and also result in greater restrictions being made. Wars, as well as external threats, can lead to the dissimilar immigrant ethnic groups being associated with these perceived threats by the receiving society. This can therefore lead to restrictions on immigration, or promote a bias in the immigration control policy that only encourages immigration of a similar origin. The main reason for this is that immigrants of a dissimilar ethnicity or culture can be perceived as being external themselves, and therefore associated with the threat or war. In contrast, wars can also provide job opportunities and demand for migrant workers in both the mobilised and war industries, leading to an increased demand for short-term migrant labour that can often result in increases in permanent migration. "Thus, wars produce conflicting outcomes: in the short run, they lead to restrictions on permanent immigration of dissimilar immigration; in the long run, they facilitate an increase in dissimilar permanent immigration" (Ibid: 15). Both factors that are able to have an impact on immigration control policy and result in changes being made.

Foreign Policy:

Receiving nations tend to reflect foreign policy considerations within their immigration policy, allowing immigrants from countries that the receiving nation wishes to improve trade and military relations with. Receiving nations also align their immigration acceptance with nations that will benefit them by providing enhanced international respectability, and allowing them to demonstrate opposition towards adversaries or sustain political and historical links (Ibid: 15). Favourable changes to the immigration control policy may indicate that the receiving nation wishes to encourage a closer relationship with another nation. This can therefore be used as a convenient and politically savvy tool for

greater communication and trade between nations. In addition, immigration control policy can be used as a means to band regions together by facilitating free, or easier, access by member citizens. Although this creates greater movement and fewer restrictions between the migrants of regional member states; it often results in greater restrictions upon migrants from other countries, in an attempt to prevent these immigrants from easily moving into other member states. Regional membership is often geographically based, but may incorporate ethnic and cultural bases as well.

Ideological Cycles:

The attitude of racism seems to facilitate the creation of a more restrictive immigration control policy in order to limit permanent immigration of a dissimilar racial or ethnic composition, and therefore can have an influence over immigration control policy. Meyers uses the particular example of Western societies prior to World War II, when immigration had ethnically-based selection criteria. After World War II, however, when “the war against the Fascist powers, the impact of the Holocaust, and the civil rights movements of the 1960s-1970s” (Ibid: 16), had occurred. Such racist policies and terminologies were delegitimized, ensuring that the ethnically explicit criteria for selection were abolished in most Western nations. An ideological cycle does have a limit, however, to the extent that it can influence immigration control policy change, as although ethnicity is no longer part of the selection criteria, there are still limits on entry placed on most Western nations. In addition, if there is sufficient domestic pressure for further immigration restrictions, policymakers seem to be able to limit the entry of specific ethnicities or cultures without using racist terminology.

The theory of Socio-Economic and Foreign Policy is the most consistent theory in highlighting the major factors that may influence immigration policy change. This theory can be applied to many different nations, as the five main influencing factors are extensively used and ubiquitously distributed. It is fitting how much emphasis is placed on the fact that these five factors are intricately linked and influenced by each other, at the same time that they are intricately linked to, and influencing, immigration control policy; as this shows a true understanding of how policymaking operates. This theory gives one of the best analyses of the various factors that may influence immigration control policy, and works to fill in gaps that are left by other theories; namely the Marxist theory, the National Identity approach, the Domestic Politics approach and the Liberal Globalisation claim (Meyers, 2000). These theories lack the depth of the Socio-Economic and Foreign Policy theory and are therefore not as effective in explaining immigration control policy change. Nevertheless, the main weakness within the explanatory power of the Socio-Economic and Foreign Policy theory is that in application there is usually insufficient available detail on the constituent factors to enable the theory to be fully supportive of the New Zealand case study. Likewise, the theory fails to adequately categorise the contributing factors in order of importance or influence. It can be argued that in order to fill the gaps left by other theories, the Socio-Economic and Foreign Policy theory has attempted to include such a wide range of contributing factors that it has become a macro-theory.

2.4 The Gap Hypothesis Theory

This theory focuses on the perceived gap between immigration control policy objectives and the actual outcomes that are experienced by the nation. This theory states that very few countries who import labour have immigration control policies that do not

result in unintended consequences, or have policies that are flawlessly implemented. It seeks to explain why so many nations have difficulty controlling their immigration flows, despite having policies in place. It seeks to measure these policy gaps and explain the mechanisms for their formation and maintenance (Cornelius, Tsuda, Martin and Hollifield, 2004). According to this theory, there are two types of policy gaps: “those caused by the unintended consequences of policy and ... those caused by inadequate implementation of the enforcement of policy” (Ibid: 5). This theory has gained international recognition and acceptance, and is made relevant through several case studies of nations that have perceived policy gaps; including Australia, Britain and Japan.

Measuring the Policy Gap:

The discrepancies between the immigration control policy objectives and resulting outcomes can be measured depending on what the policy itself is based on. The clearest and easiest measure are the policies that are based on quotas and numerical targets, as measurement of the policy gap can be determined by a comparison between the number of received migrants and the officially mandated number. In a similar vein, the number of overstaying immigrants can be measured by how much longer over the stipulated period that migrants actually remain in the country. As it is usually apparent when nations receive a greater influx of immigrants than expected, or immigrants remain longer than expected, these gaps can be measured, “even if the number of immigrants to be admitted or their length of stay is not clearly specified in the country’s policy” (Ibid: 6). A further way of measuring immigration control policy gaps is through public opinion, as a wide gap between the policy recommendations and the actual immigration flow would result in a strong

backlash from the public. In this situation, the government would then be viewed as ineffective and unable to maintain control over immigration.

Explaining Gaps in Immigration Policy:

There are several reasons that are given for the presence of gaps between immigration policy objectives and their outcomes. Firstly, there are policies that are inherently flawed, ambiguous, or lack sufficient enforcement resources. As a result, governments rely on them to control immigration but in reality they do little to deter illegal immigrants from entering the country, or work to ensure that the 'right' type of immigrant is received. One of the main examples given is the numerous guest-worker programmes established by various labour-importing states. These programmes are described as "a policy instrument that has not functioned effectively as an immigration control mechanism while yielding large-scale unintended consequences" (Ibid: 7). This is due to the large amount of guest-workers that overstay their visa and remain illegally, drawn by the greater economic and employment opportunities that exist for them in the receiving nation. This is further polarised where opportunities for employment may be limited in their country of origin. Even where the guest-worker programmes limit numbers and may have high penalties for illegal immigration, these programmes can create further policy gaps where enforcement by the receiving society is ineffective. In reality, there are few penalties for businesses that use illegal migrant workers that can counter the benefits of having an illegal workforce (Ibid: 9); just as there is little enforcement or penalties for businesses who disregard the rights of migrant workers under international conventions such as the United Nations (Ibid: 13).

Furthermore, the persistent demand for migrant workers results in their presence becoming a structurally embedded factor that can become impervious to interventions from both governments and businesses. The rise of opposition by labour unions to downsizing and reduction of worker benefits by businesses has also indirectly increased the demand for migrant workers. These workers often have no union support and are considered a cheaper and more malleable option (Money 1999: 31). In addition, the population of most developed nations is in decline, with the European Union population, “expected to shrink by 50 million by 2050,” (Demeny, 2003: 11). Any population growth or sustainability of these developed nations is maintained by the constant stream of immigration, or by the fertility rates of the migrants themselves (World Economic Forum, 2000). These birth-rate statistics reveal the vast demographic and population imbalances between developed and developing nations. This is sustained as new migrants consistently seek out job availabilities and higher wages regardless of what immigration control policies the receiving nation has legislated. This ensures that there is a continuing gap between the immigration control policies and the realities of immigration.

There are problems associated with these measurements, however, as they rely on the government in question having coherently defined immigration policies, which many Western nations did not achieve until the 1970s and many non-Western states still do not have. Governments may also have interests and intentions that are different from the official immigration policy, thus creating a duality of definition between the ‘intended consequences’ and the ‘unintended consequences’. In terms of public opinion, there is always difficulty between opinions as the public is not a monolithic group, but instead is comprised of many interest groups; making any conclusion drawn from them unable to fully

represent the public as a whole. The wider public can also be opinionated despite not having sufficient knowledge and understanding of immigration policy and its consequences, resulting in misperceptions about the migrant's effect on national, social and economic situations. Although this theory does focus on a different aspect of immigration control policy, there are many interesting and relevant points made in regard to the factors contributing to an immigration policy failing to control immigration. Focusing on the policy itself, in addition to the factors that influence the policy, is an important and significant notion that can further the understanding of what influences immigration control policy change. While many of the examples were focused on the United States and Europe, and are therefore less applicable to an isolated island state such as New Zealand, there remain many relevant correlations between the examples given and realities of New Zealand immigration control policy change. For example, the German guest-worker programme, examined in depth by this theory, can be directly compared to the importation of Pacific Island guest-workers and seasonal workers into New Zealand. This resulted in immigration control policy becoming a hotly debated topic in New Zealand during the 1970s, when Pacific migrants were subjected to dawn raids under Prime Minister Muldoon's crackdown policy on over-stayers.

The relevance of the Gap Hypothesis theory is highlighted by the number of case studies which show how far-reaching this theory can be. These include Spain (Cornelius: 2000; 331), Canada (Griego, 2000; 199) and Britain (Layton-Henry, 2000; 273). This theory has similar advantages to the Socio-Economic and Foreign Policy Theory, as the Gap Hypothesis theory also identifies a range of factors instead of limiting the focus to a single influencing factor. Instead, many factors are explored and analysed, not only in correlation

to the immigration control policy, but also to each other. This practice ensures the relevance of the factor in question as well as the theory itself. Many of the factors are related or entwined with each other and therefore need to be analysed together in order for the full amount of information and their influence on immigration control policy change to be identified.

2.6 Economic Consideration Theory

Out of all the factors that could influence immigration control policy change, economic considerations are generally considered to be the most influential and important. Indeed, “of all the motives for migration the economic motive is probably the strongest and most common” (Lane, 1970), as migrants seek improvement of their welfare for either themselves, or their children. International migration is transforming both the society and the labour force within receiving nations; (Bedford, 2006; Meares, Poot and Spoonley, 2009) as immigration is generally considered to increase the economic wealth of a nation, (Tabarrok, 2000) through investment and skills contribution. By importing foreign workers and capital, receiving nations are able to gain access to skills that could lead to greater innovation and product growth previously unattainable due to the lack of knowledge or education of native workers. Over time, the competition between native and migrant workers can be transformed as immigrant workers enter the workforce at the lowest level; thus ensuring that the native workers are promoted to higher levels of socio-economic employment.

Research within New Zealand of migrants accepted under the skilled migrant category showed that, “62 percent had spent 14 years or more in full-time education... about two-thirds of migrants were in full-time employment in their previous country and 40

percent worked as professionals” (Immigration New Zealand, 2009: 62). The training and knowledge that these migrants bring with them can contribute directly to New Zealand’s economy. Despite these benefits, however, there is the contrasting view that immigration reflects negatively on the host nation’s economy, and can result in a struggle for resources, such as employment and welfare benefits between native workers and immigrants (Tabarrok, 2000) when economic growth slows. The main conclusion of this type of research is that immigrants, and in particular illegal immigrants, take more from their host society in the forms of services than they give back to the host society, such as through taxes; (Inda, 2006) thus effecting negatively on the economy of the receiving nation.

In a different view, many of the scholars who use an economic-based theory focus on immigration as only serving the interests of the capitalist class of politicians and businesses (Petras, 1981; Portes, 1981). This is mainly evident in times of recession, where greater competition for employment exists between migrant and native workers. However, immigration policy is believed to reflect the needs of the capitalist class, as “capitalists use immigration labour as an ‘industrial reserve army’ to force down working-class wages” (Meyers, 2000: 1248). This ensures that the same high productivity through the exploitation of migrant workers occurs both in times of recession and economic growth. Nevertheless, the most advanced capitalist economies maintain regulation of immigration in order to limit access during times of economic regression; as this prevents a crisis of capitalism, or inflation, from occurring (Castells, 1975). Nevertheless, it is important to understand and acknowledge all sides of economic immigration theory, and analyse the costs and benefits on the host nation.

Economic Influence Measurements:

There are many different ways that the economic influence of immigrant workers on the host society can be measured. Many of the analyses are longitude surveys focusing on statistics or data analysis of immigrant incorporation into the host society, or the economic productivity of the immigrant, over time (Meares et al; Department of Labour, 2009). This research approach can provide an insightful analysis of data; as care is usually taken to measure opinions and factors over a long timeframe so they can be analysed in direct correlation both with each other and with national and global occurrences. Other research uses a comparative analysis, which compares various host nations with each other and concentrates on how their immigration policies reflect on the economy. In nations such as New Zealand, there is a history of assisted immigration policy by the Government, where migrants were picked for their developmental skills. Using this history ensures that a concise and accurate measurement of past influences on the economy by immigration can be identified. It is important to consider, however, that this is more difficult to achieve for nations with longer histories; as many economic influences and immigration information may not have been recorded and are therefore subject to historical perspective.

The Economic Consideration theory is important in a global context, as the theory's focus on the economy as an agent for change is generally applicable to immigration control policy research. Although this theory can explain in reasonable detail the correlations between the short-term changes in New Zealand's immigration policy and the economic cycle; there is not enough scope to fully explain all the influences on immigration control policy change. For example, economic considerations do not cover the fact that refugees and asylum seekers have specific criteria for acceptance in most developed nation's

immigration policy. The other causal factors that need to be analysed in order to fully understand the influences on immigration control policy change include political, social and environmental considerations (Meyers, 2000).

One of the main weaknesses in the explanatory power of the Economic Consideration theory is that despite the claims that immigration growth is vital to capitalism; many capitalist nations have seen a drop in numbers of immigrants since abolishing large-scale labour recruitment plans in the early 1970s (Ibid). In addition, this theory fails to explain why so many Western nations have maintained immigration control policies that are biased against specific races, despite the economic benefits that these migrants could bring. An example of this is the white policies used by New Zealand and Australia up until the 1970s that restricted Asian workers, despite the benefits that would have been gained through a larger workforce and possible class foundation (Mein Smith, 2005). Furthermore, this was also seen by the Britain restricting coloured immigration throughout the 1960s and the United States and Canada preventing Japanese and Chinese immigrants during the nineteenth century (Meyers, 2000). These immigration policy biases contradict the Economic Consideration theory's argument, and show that there may be other factors that have influenced these changes.

2.8 Nation-State and Identity Theory

The concepts of citizenship, national identity and nation-building, social conflicts and prejudice influencing immigration control policies form the main focus of this theory. Each nation is believed to have a unique traditional history that influences what immigration control policy it utilizes. This theory assumes that the receiving state is in total control of immigration, and is therefore able to use immigration control policy to serve its own

interests. By focusing solely on the state, this theory minimises the influence of external factors on immigration policy change, although a few scholars do use other internal factors in their comparative analysis, such as the state's economy and demography. States are seen as the creator and continuing influence on immigration, as "only in a world made up of sovereign states, each exercising final control over a bounded territory and populace, is therein migration" (Joppke, 1999: 1). In this theory, the migration cycle is continued by nationalising states expelling their unwanted political, ethnic and religious groups to labour-recruiting nations that are able to invite these workers to fill employment gaps in their native markets. Although states are seen as creating migration, they are also given the role of restricting migration, for two reasons. Firstly, migration is seen as a violation of the states right of self-determination and principle of sedentariness; (Ibid) and secondly, "the members of a political community have a collective right to shape the resident population, otherwise they would not be communities of character" (Walzer, 1988:52 quoted in Ibid: 2). Restriction on immigration exists because the state wants them to exist, as "in a world of limited resources, the internal and external dimensions of citizenship are interdependent: because rights are costly, they cannot be for everybody" (Ibid: 6).

Many scholars who study this theory believe that the historic experiences of the state, and the importance that is placed on citizenship, predetermine what perceptions foreigners receive. Therefore, this theory requires a comparative analysis between nations based on an in-depth knowledge of each nation's particular history. Many of the nations that this research focuses on have long histories; such as the United States and European nations, in particular France, Germany and Britain. Comparative research in this area reflects this, with prominent scholars such as Hollifield and Weil emphasizing "the

contribution of French republicanism- a cornerstone of French political and legal culture- to its liberal immigration policy” (quoted in Meyers, 2000; 1252). In addition, the German immigration problems are believed to stem from the unresolved inconsistencies within the origins of its nation-building; where there are “contradictions between exclusive ideas of the nation-state and inclusive ideas of republicanism and universal principles of individual human and civil rights” (Ibid; Kurthen, 1995). Furthermore, some scholars believe that the United States’ immigration policy is influenced by the fears of national identity loss through social cleavages and combination of industrial and social unrest; which can create xenophobia and a focus on nativism.

A further distinction of the national identity theory is the identification of the variations between citizenship and immigration control policies that result from the host nations’ history and impact on its national identity. A prominent distinction appears to be between ethnic states, who usually oppose foreign immigration, and settler societies, which are originated by immigrants and therefore promote long-term immigration. This can be seen in Europe: “In asserting that they are non-immigrant nations, European states reject ethnic diversity as a positive societal value... [and see immigration] as a fundamental threat to national unity and the common good” (Meissner, 1992: 71). Meanwhile, immigrant-based nations such as Canada, New Zealand and the United States view immigration as promoting a commitment to democratic values and civic participation, and are therefore less restrictive. There are other distinctions that separate those nations that continue to maintain restrictive immigration policies with the nations that retain open immigration policies; such as differences with citizenship and birth and ethnically dissimilar immigration (Meyers, 2000). All these distinctions are linked to the interests of the state, and maintain

that the historical experiences of the nation can influence what immigration control policies are put in place.

This theory is highly relevant to the field of immigration policy research, as it identifies the importance and influence of national opinion and history on policymaking. Analysing traditionally-based prejudices also furthers the understanding of what induces states to favour particular types of immigration policies over others. This is especially important when there are accompanying social cleavages within the society further influencing the policymakers who decide on the composition of the immigration criteria. The clearest limitation of this theory in supporting the New Zealand case study encompasses the, “inability to explain the fact that various countries have adopted similar immigration policies at the same time” (Meyers, 2000: 1255). This undermines the theory’s belief that the immigration policies of a nation are influenced solely by that country’s unique social cleavages, history and identity. Meyers continues critiquing this theory’s explanatory power by pointing out that many social and national-identity conflicts occurred, and continue to occur, without causing restrictions on the immigration policy; such as when the “U.S immigration policy was liberalised during the volatile 1960s, which should count as a period of social conflict” (Ibid: 1256). Furthermore, this does not explain why there remains to be severe restrictions on immigration remain enforced in host nations that have concluded their nation-building process; even though this suggests a lack of social conflicts that would prevent immigration policy from being legislated. Ultimately, by focusing on one factor, the national identity theory is less effective in explaining the influences on immigration control policy than a theory that analyses many different factors.

2.10 Public Opinion Theory:

This final theory has been present in political literature since the 1970s, and remains strongly advocated even in modern immigration theory. There are various dimensions of this theory; as public opinion covers not only the public, but also interest groups, including the political parties, policymakers and administrators involved in creating and adopting immigration policies into law. The interest groups that are commonly linked to immigration policy are employers and businesses, as well as ethnic and religious groups, as they usually support open immigration policies. In contrast, the opposing groups tend to include nationalist groups and unions that support more restrictive immigration policies. One of the most important characteristics of the Public Opinion theory is that the state is perceived as neutral; thus allowing an unbiased and open arena for the interests of society to be debated and discussed (Meyers, 2000).

Furthermore, societal actors are identified as shaping and influencing immigration policy change. Many scholars view these societal actors as members of the political parties who, “were quite prepared to make political capital of public fears [over immigration], and even to reinforce those fears if they showed inconvenient signs of waning” (Roy, 1970: 16). Political parties are voted into power by the public based on what programmes and policies they promise to legislate; thus presenting themselves as both a source of immigration policy and an influencing factor in immigration policy change. There has been a growing trend, however, for parties focusing on anti-immigration policies to gain public support by portraying asylum-seekers and immigrants as challenges to welfare provisions and national identity (Layton-Henry, 1992; Huysmans, 2000). Although this can be seen throughout the world, an example in New Zealand politics would be the emergence of the New Zealand

First party, lead by Winston Peters. This party focused on preventing the 'Asian Invasion' in order to gain support among New Zealand voters for restrictive immigration policy by using provocative slogans such as 'Whose Country is it anyway?' (Bedford, 2003)

The fact that political parties are voted for by the public, however, means that they must present programmes and implement policies that are popular with voters; indicating that there are other members of society that could have influence over policy changes. Pressure and interest groups can coerce government and political parties into adopting or changing specific policies so that their interests can benefit (Meyers, 2000). This may result in policies that generally favour these groups rather than the interests of the general public. There are interest groups that both favour and oppose immigration, resulting in policies that are biased depending on which group has the most support. During the mid 1900s, many nations experienced a shortage of labour at a time when cheap workers were in demand by employers; resulting in the immigration control policies becoming liberalised and open (Huysmans, 2000; Hollifield, 1991; Ongley and Pearson, 1995). This is a clear example of the demands of an interest group pressuring the government into changing the policy in order to benefit their own interests. In contrast, the focus on opposing immigration and supporting restrictive immigration policies during the later 1900s appeared to originate from unions and worker groups that felt threatened by the large recruitment of immigrant workers (Hollifield, 1992; Huysmans, 2000; Meyers, 2000). In order to protect their interests and resources, these groups pressured the government into changing the immigration policy, which for many nations became more restrictive to immigrant workers. This can be seen in European nations such as France, (Hollifield, 1994) and Germany, (Faist and Haubermann, 2009) but also in New Zealand, (Poot, 1993; Ongley and Pearson, 1995) where

immigrant workers were seen to challenge native workers for vital resources, such as employment, welfare benefits and housing.

This theory is one that has been widely used in immigration policy research, as it takes into consideration the host society's political and social self-interests when explaining immigration control policy change. This is important as it introduces a new dimension into immigration policy research, as politics within a nation have a vast influence on what policies are legislated. There are, however, some inherent weaknesses within the explanatory power of this theory that prevent it from solely explaining immigration control policy change within the New Zealand case study. One of the main critiques is that this theory is a-theoretical; and "produced mostly by historians or political scientists interested [only] in a segment of social reality within specified time limits and in particular countries" (Zolberg, 1978 cited in Meyers, 2000: 1259).

Furthermore, the concentration of this theory on one particular nation during a specific time period works to highlight the distinctive changes within that nation, rather than identifying the important factors influencing immigration policy change. Using a singular nation model also prevents the theory from being universally inclusive, as it does not take into account, nor explain, the varying immigration policies of other nations. In a comparative sense, the analysis of public opinion research has become more theoretical over time, as earlier research such as Roy (1970) focus on each nation in a separate context without any theoretical evaluations. More recent research, especially the editions by Zolberg, (1981) Hollifield (1992) and Cornelius *et al*, (1994) show a movement toward a more theoretical framework. This is because there are more nations included in the analysis,

and each nation that is researched has a similar framework of questions that are then observed and discussed, ensuring that the analysis is more integrative (Meyers, 2000).

The nations that are analysed by this theory, however, are generally receiving or host nations, thereby providing a somewhat biased and limited selection of countries. A further critique, which is similar to the deficiencies of the theories that are in place for describing the influences on immigration control policy change is that there is not enough scope in the Political Opinion theory to adequately cover immigration control policy change in its entirety. There are many instances where refugee and immigration policies have been legislated despite public opinion opposing it, in particular with nations accepting WWII refugees. There needs to be a range of factors in a theory for it to suitably cover immigration policy change; and this theory is limited to only explaining the effects of political influences.

2.12 Chapter Conclusion

These five theories are all recognised on a global scale as being at the forefront of immigration control policy change analysis. By testing these theories against each other, the immigration policy changes that have occurred within New Zealand since the 1970s can be fully analysed, and the theory that best explains and identifies the factors influencing New Zealand immigration can be found. Using this group of theories is interesting as some are very focused on particular issues whilst others introduce and analyse a broader range of influencing factors. Regardless of this, both sets of theories have the opportunity to compete against each other in order to ascertain which best explains why New Zealand's immigration control policy has changed, and what changes may occur in the future.

Chapter Three: Thesis Methodology

3.1 Introduction

This chapter concentrates on the methodology used to analyse when, why and how New Zealand's immigration control policy has been changed since the 1970s. In order for this to be effectively accomplished, due importance must be placed on how the theories - identified in the previous chapter - are to be applied to the immigration policy changes that have occurred within New Zealand. This chapter will outline the criteria of the immigration policy changes and identify which changes have been specifically chosen for analysis. An historical qualitative method of analysis has been chosen in order to justify both the historical focus on New Zealand immigration as well as the use of historians as a data source. A comparative methodology is the most effective way to identify how the factors within the given five theories interact and correlate with each other, and how this knowledge may be applied to New Zealand immigration policy changes.

Two main types of analytical methods are used in this thesis: qualitative analysis, which is most suitable for identifying influencing factors, facilitating theories and working within a historical context; and quantitative analysis, which focuses on statistical, logical and systematic approaches, as well as providing objectivity (Pierce, 2008). Data sources for qualitative research can include texts and documents, observations on reactions and impressions, and interviews, as well as fieldwork observations (Myers, 2009). Quantitative research, which is used as a secondary approach, uses data from statistical studies, surveys and census information. The historical strength and relevance of these methodological approaches, as well as the limitations and advantages of each analysis, are covered later on in this chapter.

3.2 Data Collection

The collection of data is an important aspect of this thesis, as it ascertains both the sources for the research on immigration policy, and also what actual data is available to be used. The data found from these sources can be used to highlight the key immigration changes within New Zealand that are listed in this chapter, as well as provide evidence to empirically test the given theories on immigration policy change. There are many sources from which immigration information can be obtained. The main sources of data include the Department of Labour and Immigration New Zealand, Statistics New Zealand and the New Zealand Custom Service. Information is also available from the various historical and political studies of New Zealand. There are also many longitudinal studies presented on immigration by non-governmental organisations that are highly beneficial, as they can often present a wider range of opinions than the governmental data. Each source must be evaluated for its relevance to this thesis, as immigration research can have many different facets and only some of them are applicable to the study of immigration control policy.

One of the major sources of data is found in the archives of Immigration New Zealand, part of the New Zealand Department of Labour. This ministry is responsible for New Zealand immigration, and is therefore the best source for qualitative research and studies that focus primarily on both immigration and immigration policy. There are very clear articles relating to the changes that have been made, both historically and recently, to the immigration policy; including a library listing specific immigration policy changes in numerical order. This database also provides access to the various Immigration Acts that have been passed since the early 1900s, and highlights the key changes to the immigration policy that have occurred. This is extremely useful as it provides the text of the actual

legislation, thereby making analysis more efficient as the original information can be sourced. In addition to the qualitative information, there are many studies present within this database that focus on quantitative data. These immigration statistics show what type of immigrant has been attracted to New Zealand, their race and occupation, and how the influxes and declines of these groupings can be related to changes in New Zealand's immigration policy. A clear example of this is shown by the rise of Asian immigrants in the late 1960s that may have occurred as a result of the change from a White New Zealand policy to a Categorical or Points-based immigration plan (New Zealand Census, 1986-2001).

A further source of data comes from Statistics New Zealand. This site is similar to Immigration New Zealand, as it offers statistics on immigration numbers and other immigration details. The use of statistics to back up claims of immigration policy change is vital for this thesis; as in some cases only the outcomes of the immigration policy change are known. The use of statistics can help indicate both the reasons why these changes occurred and document their subsequent effects. Statistics New Zealand gains much of its immigration data from the New Zealand Customs service, and is therefore able to give concise monthly readings on the level of permanent and short-term migration. In addition to this, the site also gives comparative details pertaining to the number of migrants entering the nation, analysing whether this has changed from the previous month. The coverage, however, is historically limited as monthly readings are only available from 1998. There is a sole focus, however on the numbers of arrivals and departures of migrants, with no analysis as to why these changes have occurred. Nevertheless, both this and the Immigration New Zealand sites are important as they document immigration information that can be used as evidence for the comparative analysis of the five immigration theories.

Collecting data for a more historical view of New Zealand immigration generates some complexities, as little information is available from these sources prior to the 1960s and 1970s. Historical databases and reports are incredibly useful for a historical analysis on immigration control policy changes. The work of New Zealand historians, such as Michael King and Philippa Mein Smith, outline important changes to the immigration control policy and provide detailed analysis on the effects of the White New Zealand policy that was in place until the late 1960s. In addition to these historians perspective, the reports of several other non-government groups' provide an important focus on immigration policy over a relatively long period. These include the Business Roundtable and Focus group discussions; which are valuable in ascertaining what factors of immigration were important at the time of the discussions, as well as what changes to the immigration control policy were being suggested. Both these group discussions and historical perspective can be used to verify, authenticate, or contest the validity of the immigration theories.

These listed sources represent the key foundations of data collection for this thesis. Use of a range of data sources provides objectivity that is highly important and relevant when identifying the key changes of New Zealand's immigration control policy and their effects. The historical context of immigration policy is provided by these New Zealand historians and non-governmental groups together with government archives and statistics. This therefore allows a range of information to be analysed that covers a specific timeline of immigration control policy changes within New Zealand.

3.3 Policy Change Criteria

When choosing specific immigration policy changes to analyse, there must be criteria in place to prevent bias and to demonstrate the rationale behind the choices themselves. In

addition, there must be an obvious definition of what the term 'immigration policy' means in this thesis. Immigration policy, or immigration control policy, therefore determines the nature and scope of migration on a global scale; and works to control and modify it. It is this network of controls that determines the composition and number of immigrants. For New Zealand, this is no different; the term immigration policy is used to describe the policies passed by the government that are specifically focused on controlling immigration. Immigration policy can also cover terms such as citizenship, nationality, multiculturalism and integration; as all these relate to a state identity and can therefore have a direct impact on immigration policy change.

A clear indication of how immigration policy can be described comes from Eytan Meyers, who believes that "immigration policy is the crucial element determining immigration patterns" (Meyers, 2004: 3). Aristide R. Zolberg furthers this argument by claiming that the flow of immigration towards economically developed nations has resulted in, "the policies of potential receivers [determining] whether movement can take place, and of what kind" (Zolberg, 1999, quoted in Ibid).

Immigration policy change, therefore, occurs when the policies that control, restrict or determine immigration within a nation are transformed, and a new policy is created to replace it. Receiving nations, including New Zealand, are constantly changing and updating their immigration control policy to meet needs and demands from both within, and outside the nation. This leads to the many immigration policy changes and amendments that have occurred since the Treaty of Waitangi was signed and formalised European access to New Zealand. Therefore, a certain list of criteria must be developed in order to gain a suitable representation of the scope of New Zealand immigration policy change, which can then be

used to analyse the five competing theories of immigration control. Because the effects of both major and minor changes to the immigration policy can be important, as well as the high number of changes that has occurred since the 1970s, choosing what criteria to base these policy changes on is an extremely difficult task. It would not be doing this research justice to only include major changes, such as the introduction of various categories for migrants, and overlook smaller but no less significant changes, like the rise in number of business migrants allowed into New Zealand. There must also be criteria to allow policy changes that have an effect on immigration policy without actually being an immigration policy itself to be included in the analysis. This includes the policies regarding issues of nationalism and citizenship that have been previously mentioned.

There is also the difficulty in bias towards which policy changes are included and which are excluded. In order to prevent this bias there must be a focus within the criteria on the change of immigration policy, irrespective of political parties, ethnicity and era. This means that each policy change that is chosen has been done so because of the significance of the policy itself; rather than it being the most significant of the year or a result of what political party or ethnicity it supported or opposed. This significance will be discussed in greater detail later in the chapter. In any prioritisation of policy change some bias is inevitable; however, by removing and limiting these factors, bias can be both controlled and reduced. In addition to this is the focus on both major and minor changes to the immigration policy, ensuring that there is a wide coverage so that factors influencing changes in both types of policy can be identified and analysed.

The criteria that have been chosen to best analyse New Zealand immigration control policy changes are based on the timeline of policy changes presented by both the

Parliament New Zealand and *Te Ara: the New Zealand Encyclopaedia* websites. Both these sites outline key immigration control policy changes that have occurred within New Zealand since the 1800s, and discuss the major transformations that each policy dictates. These two websites were chosen because this thesis required a publicly available and reliable resource for immigration policy analysis; and both sites possess a high level of importance and credibility. Both are monitored by government ministries, which ensure that they are current and possess relevant data as well as accurate information regarding the various immigration Acts and Adjustments.

The Parliament New Zealand site lists selected events from the years 1840-2008, and gives a short background paragraph on each policy detailing the main changes. The website believes a timeline of immigration policy is important, as immigration not only has a strong “impact on society, [but] these events have influenced policy-making, thus helping to shape both contemporary and future New Zealand” (New Zealand Parliamentary Library, 2008). The policy changes are listed in chronological order under the headings of six key historical trends that the site uses as criteria for immigration policy inclusion. These include a focus on assisted immigration and skilled migrant categories during the 1970s, and also a focus on other historical aspects of New Zealand post-WWII.

Te Ara justifies their timeline and focus on immigration policy as being vital to understanding modern immigration policy changes, as the “strong imperial sentiments in the colonial period, and views about race through the 19th and much of the 20th centuries, largely explain the purpose of New Zealand’s immigration restrictions.” (Beaglehole, Te Ara: 2009) As this site is part of the Ministry of Culture and Heritage, there is an ethnic focused criterion for the immigration policy changes which are chosen. Jock Phillips, the editor of Te

Ara, wrote that the Acts included in the site; “were decided on the basis of a judgement about the operational importance” (Phillips, 2010). Therefore, many of the immigration Acts and Adjustments that are listed signify important changes and deal with Asian and Pacific immigration, as well as skilled and assisted migration schemes. To narrow down the list of immigration policy changes, only changes that have occurred in both timelines will be included. This ensures that the changes used in the application of the theories are deemed to be important by more than two sources, and have been defined as representative of New Zealand immigration policy change as a whole.

There are a few exceptions for these policy-change selection criteria however, as minor changes to the immigration policy must be included. Allowing the smaller immigration policies to be included in the list will ensure that the fullest coverage possible will be achieved, and there will be less bias placed toward major policy changes. To determine which minor changes are included in the analysis, the list of changes presented by the Parliamentary site were compared with secondary sources from both the Labour website and Statistics New Zealand. Two immigration policy changes, in 1964 and 2005, were not listed on the Te Ara website but there was sufficient information detailing their importance from the secondary sources. A further exception to the above selection criteria involves the 2009 Immigration Act, as this was ratified under New Zealand law recently and will not come into effect until November 2010. Because of this, it is not mentioned by the Te Ara, or Parliament New Zealand websites. The selection criteria involves immigration policy changes that have a high level of operational importance to New Zealand, and therefore it is important to include this Act within the research as it is the most recent immigration policy

change to occur within New Zealand. The same secondary sources were also used to ascertain the level of importance of the 2009 Immigration Act.

3.4 Major Changes to New Zealand Immigration Policy

There have been many changes to New Zealand's immigration control policy both before and after the 1970s, and deciding which major changes to use in order to analyse the factors behind these changes, is a highly complicated issue. The result is a timetable of specific transformations that, although limited in number, can still offer a strong and clear view of the changes that have occurred within the immigration control policy. In addition, this timetable of specific changes should identify what factors have influenced these policy transformations.

There will be ten specific changes that will be used in order to analyse which factors have the most influence on the immigration control policy of New Zealand. These changes will be placed in numerical order, as this will allow them to be analysed within their historical context, as well as show their possible relevance to future changes. Although this thesis has a starting date of 1970, it is pertinent to include the Immigration Act of 1964. This is because the Act created the use of permits to allow migrants to enter New Zealand, thus signalling the first major move away from the White New Zealand policy that had dictated and controlled all previous immigration policy. It is also important to note that within this timeline there are both substantive legislative changes, usually listed in the form of a new Act or Amendment; but also many other adjustments and reviews. These signify smaller changes, such as a new migration category, but are still vital to explaining and analysing the immigration control policy, and therefore should not be overlooked. Each policy change will

be examined, with focus being given to what changes resulted from the policy itself and how this affected New Zealand immigration.

1964- Immigration Act

This Act, as mentioned above, signalled an important transformation in New Zealand immigration policy; as this was the first time that there had been a significant step away from the White New Zealand policy that had controlled immigration into New Zealand since the early 1900s. One of the main changes that this Act put in place was that all migrants had to have permits to enter NZ, meaning that for the first time migrants from non-Western nations legally had the same accession abilities as the migrants from White New Zealand preferred nations (Beaglehole, 2009). Despite this, however, migration to New Zealand remained biased toward the United Kingdom, as permits were granted to British migrants on arrival. Migrants from other nations were required to gain permits before leaving their country, which remained difficult for citizens of Asian, Indian or Eastern European descent. Nevertheless, this Act did provide opportunities for those migrants that were previously overlooked under the White New Zealand policy, and marked a clear progression away from the fully restrictive immigration control of the past. This Act is also important as it “largely consolidated the basic structure of immigration law;” (New Zealand Parliamentary Library, 2008) by initiating the pre-condition to deportation that allowed offenders to first be prosecuted under New Zealand law, and deported only by a Court order (Ibid).

1973- Trans-Tasman Travel Arrangement (TTA)

This travel arrangement took place between the governments of New Zealand and Australia, formalising free travel and movement between nations. This ensured that citizens

of both nations did not require permits or visas if they wished to work and live in the neighbouring state, essentially allowing an “open door policy” (Grassby et al, 1973; 1). The Australian Immigration Minister A.J Grassby believed that this arrangement set Australia and New Zealand uniquely apart from the rest of the world, as “the doors between the two sovereign states were now as wide open to each other’s citizens as between any two sovereign states anywhere else in the world” (Ibid). What further sets this arrangement apart from others is that: “the TTTA is not expressed in the form of any binding bilateral treaty between New Zealand and Australia, but rather is a series of immigration procedures applied by each country and underpinned by joint political support” (New Zealand Ministry of Foreign Affairs and Trade, 2010). This travel arrangement is an important step in New Zealand immigration policy as it shows the desire for closer relations with Australia and the beginnings of New Zealand taking an international stand in the Pacific area. This increasing focus on the Pacific can also be seen in the large number of Pacific Island migrants accepted into New Zealand, either through the 1970 Samoan quota or from other Pacific nations during this time. Both actions reveal a movement away from European and British migration and a sharper focus being given to the neighbouring Pacific area. The TTTA is also an important immigration procedure because it is still in place today, albeit slightly changed from the original agreement; which highlights the continued desire for close relations between the Pacific powers.

Nevertheless, this immigration procedure has attracted recent debate within Australia as to the issue of immigrants using this agreement as a stepping stone to gain access to Australia by using New Zealand passports. There has always been a high migration rate to Australia; as of “June 2008, an estimated 521,000 New Zealand citizens were on

Australian soil,” (Department of Immigration and Citizenship, 2008 quoted from Poot, 2009: 1) and this has continued to be a strong trend. The growing number of immigrants from the Pacific and Asian regions that use New Zealand residency in order to gain access to Australia has resulted in many Australian officials wanting the TTTA to be re-examined. This can be seen through Australia removing, “the automatic right to labour market related social security and eligibility for Australian citizenship or sponsored migration of family members,” (Ibid, 12) from trans-Tasman migration in 2001. Despite this, it can be argued that although the stepping stone migration does occur, its effects are highly exaggerated; (Ibid) Australia and New Zealand continue to maintain the open-door policy to each other’s citizens, which appears to reflect the strength of the international ties between both nations.

1974- New Zealand Immigration Review

The government’s immigration policy review in 1974 was incredibly important in terms of immigration control policy change for three major reasons. Firstly, this review ended the policy of unrestricted access for British and United Kingdom migrants, heralding the desire for a complete move away from the previous White New Zealand policy. In addition, this review confirmed free access to New Zealand for the Pacific nations of Niue, Tokelau and the Cook Islands under the Pacific Review. The Samoan quota was also reaffirmed, as the citizens of Western Samoa were deemed to be of special interest to New Zealand; this resulted in a certain number of Samoan citizens being able to gain immediate access to New Zealand through a lottery-type process.

One of the most important changes, however, was the introduction of the Skills-based category, where migrants were chosen on their level of skills rather than their race or ethnicity. The introduction of this category again shows that New Zealand had begun

moving away from the previous restrictive immigration policy, and was adjusting to the new international standards being used by other major receiving nations, such as Canada and Australia. This move away was completed the following year, when assisted migration was ended in 1975 (New Zealand Parliamentary Library, 2008). Migrants were able to apply for access to New Zealand under four main categories: Humanitarian, Family, Refugee or General. This allowed migrants from non-traditional source countries to gain access under humanitarian, family or refugee status, as the general skills category remained mostly restricted to traditional European nations (Ibid, 2008). The criteria for selection included qualifications and skills and often included language tests; this introduced the ideal of the skilled migrant that still exists in modern immigration policy. Three further categories were put in place between 1974 and 1978, introducing the Occupation, Family Reunification and Business categories, in order to allow access to a greater range of migrants.

1986-87 Immigration Policy Review

This immigration policy review was symbolic of the major changes in immigration control policy that had occurred since the mid-1960s. The focus on ethnic origins and nationality as the only basis for immigration acceptance had been replaced with specific categories and requirements that, if met, allowed migrants to enter New Zealand regardless of race. This review culminated with the Immigration Act of 1987, which specified that migrants meeting the, “specified educational, business, professional, age, or asset requirements [were] to be admitted regardless of race or nationality” (Ibid, 2008). Source country criteria were discarded, with the main exception being citizens and residents from Australia, who were still allowed open access under the Trans-Tasman Travel Arrangement. The government instituted an Occupational Priority List (Ibid, 2008) that categorised the

skills which were required of migrants wishing to apply for residency under the General Category. These skills included both language fluency and specific qualifications. This category prioritised foreign business investors and entrepreneurs, both of which had to have the ability to transfer approximately NZ\$150,000 to a New Zealand bank, (Beaglehole, Te Ara: 2009) as well have a proven business capabilities. This stream can be seen as both important and valuable to New Zealand immigration as it provided for over half of the migrants arriving in New Zealand after 1987 (Ibid, 2009).

In a similar vein, the easing of restrictions placed on family access to New Zealand under the 1987 Act ensured that migrants with family residing in New Zealand were able to join them, providing they did not have immediate family living in other nations. This resulted in around a third of all incoming migrants entering New Zealand under the Family Stream category during this period. The humanitarian stream, set up to include migrants escaping conditions of physical or emotional harm within their native region, made up around ten percent of New Zealand incoming migrants (Ibid, 2009). The New Zealand Immigration Act of 1987 outlines the rights of New Zealand citizens and determines who can remain in New Zealand on both permanent and temporary basis. In addition, “it outlines processes for a range of immigration decision-making, including on visas (offshore) and permits (onshore), refugee status, refugee status cancellation, permit revocation, removal and deportation” (Ministry of Justice, 2009). This Act also provided for the detection and further prosecution of peoples who have given or used misleading or false information in order to gain access to New Zealand. Furthermore, the 1987 Immigration Act “establishes the decision-making powers of the Minister, visa and immigration officers, refugee status officers, relevant appeal bodies, and the courts” (Ibid, 2009).

1991- Immigration Amendment Act-

In direct continuation of the 1987 Immigration Act's establishment of legal powers for immigration courts; the Immigration Amendment Act of 1991 sought to "strengthen and more clearly define the legal framework for the operation of Government immigration policy" (Parliament Counsel Office, 2010). This Act was the result of a government working paper that analysed the previous immigration policy and presented several recommendations for its improvement. These recommendations included tightening the control over business migrant's investments, stronger measures to prevent 'over-stayers' and promote compliance with the immigration policy, as well as the initiation of a Points System that would replace the Occupational Priority List. In addition, the report emphasised the role of improving relationships between migrant consultants and the immigration service, so that New Zealand could be promoted as a first-class receiving nation for migrants (New Zealand Parliamentary Library, 2008). The Immigration Amendment Act covered all of these recommendations, and is therefore an important Act to include because the immigration policy changed dramatically as the Occupational Priority list was replaced by the Points System. This new system awarded migrants points based on education, age, employability, English skills and their settlement fund; additionally, there was a minimum of points that allowed automatic eligibility and access to New Zealand (Beaglehole, Te Ara, 2009). This system was viewed as being easier to control, as the number of points needed to gain eligibility could be changed depending on how many migrants were wanted, allowing the government to have a tighter control on migration numbers (New Zealand Parliamentary Library, 2008).

This Act is also highly important to immigration policy change as it created two appeal bodies independent of the government: the Residence Appeal Authority and the Removal Review Authority. This ensured that, “a formal right of appeal against declined residence applications was enshrined in legislation for the first time” (Ibid, 2008), allowing migrants an unprecedented chance to legally oppose unfair dismissal or a violation of their rights. By creating these appeal authorities, the Act took the Immigration Minister out of “front-line decision making” (Haines, 1997), although Ministerial discretion was still allowed prevailing jurisdiction over special direction permit decisions. This effectively gave more power to both the appeal boards; but also to the immigration and visa officers. They were given the capabilities to “make all decisions in relation to a residence visa or residence permit application in terms of Government residence policy applicable at the time the application is made” (Ibid). This not only allowed a more streamlined immigration process, but it also resulted in a simplified removal process of illegal migrants or over-stayers. Immigration officers were given the administrative powers to issue removal orders, instead of officers having to access them from the Courts. This is important not only because it simplified both the application and removal process for migrants and immigration officers, but it also brought in questions pertaining to human rights law, as there were appeal tribunals that could defend removal orders and protect migrant rights for the first time in New Zealand immigration policy history.

1995- Immigration Policy Adjustment

The Immigration policy adjustment that occurred in 1995 had a focus on tightening immigration requirements and maintaining more control over the number of migrants entering New Zealand. There was concern during this time that New Zealand was not

attracting the 'right' type of migrant, and steps were taken to ensure that "New Zealand continued to draw migrants who would most benefit the country" (Beaglehole, Te Ara: 2008). In continuation of this ideal, the requirements for English language became tighter and a minimum standard of English was set for principal applicants. Migrants who were non-principal applicants were required to pass this test, or pay a bond of NZ\$20,000 if over the age of sixteen. This bond was then "refunded if a satisfactory standard [of language skill] was reached within 12 months" (Ibid). Promoting the English language as an entry requirement was seen as a sure way to ensure that only migrants that were beneficial to New Zealand's economy and society were allowed access into New Zealand. Other policy changes brought about in the 1995 Act included a clearer definition of the term 'investment,' and a stronger requirement for professionals seeking to practice or work in New Zealand to have a statutory registration before their qualifications could gain points for accession. In addition, the General Skills Category replaced the General Category. Previously, the General Skills category had been strictly for European and British migration, but under the new adjustments they became synonymous, so all migrants had the opportunity to gain accession into New Zealand.

Further changes were placed on the points system, previously instated by the Immigration Act of 1987. The replacement system used a 'pass mark,' an easily adjusted set marker that allowed the government to maintain more control over the quota of incoming migrants on a yearly basis by controlling how many migrants could enter the country. "When the points system was introduced in 1991 it was believed that applicants should be guaranteed approval if the points they scored were substantially above the fail mark," (Farmer, 1996). All migrants who achieved approval were then able to be placed into an

employment pool and allowed access into New Zealand once an employment offer had been made. The guaranteed approval level was transformed into the pass mark, as it referred to the exact number of points that an applicant for New Zealand residency required in order to gain automatic approval for admission under the General Category. By establishing the idea of the pass mark, the government hoped to control the level of migration through the rising and lowering of the pass mark depending on how many migrants were needed. Between 1991 and 1995, however, “increasingly large numbers of prospective immigrants qualified for automatic residence approval” (Ibid, 1996); which revealed a lack of effective control over the approval levels of residency applications. New Zealand Immigration concluded that the targets set were in reality, “a piercable cap similar to the United States immigration ceiling,” (New Zealand Immigration, 1995; 14). This change shows not only how important immigration control policy is for retaining control over the migration numbers, but also highlights the complexities of immigration.

2002- Immigration Policy Adjustments-

There were some important changes made by the adjustments in New Zealand immigration policy during 2002. One of the main changes included the raising of the English language requirement for both the Business and the General Skills categories to the “level required of students entering university” (Beaglehole, Te Ara, 2008). There was also an addition to the Humanitarian Stream of a category for sponsored refugee families. This new category gave families that had entered New Zealand under the Humanitarian or Refugee stream the opportunity to sponsor family members for accession into New Zealand (Immigration New Zealand, 2005). A further change was instigated in February, where “migrants seeking residence started to receive a point premium for job offers that were

relevant to their qualifications or work experience” (New Zealand Parliamentary Library, 2009). Previously, a job offer counted as five points toward an applicant’s accession into New Zealand, regardless of whether the job was relevant to the migrant’s previous experience or work qualification. This policy change ensured that only those job offers that were relevant to the applicants’ qualification and job history would be rewarded with five points, otherwise a non-relevant job offer would only count as two points toward the settlement pass mark. The Immigration Minister, Lianne Dalziel, believed that there needed to be a clear link made between skilled migrants and job offers. “Experience shows that migrants are likely to settle quickly, remain permanently and make a greater contribution to New Zealand’s economic and social future if they are able to apply their particular skills in employment” (Dalziel, Beehive; 2002). This policy adjustment was put forward to ensure that there was a focus on high skill-level migrant selection that would therefore lead to settlement potential and high levels of employability (Ibid).

In addition to these adjustments, the Pacific Access Category was introduced, reaffirming the opportunity for Pacific Islanders to gain access to New Zealand by introducing an annual quota for guaranteed permanent residence (New Zealand Parliamentary Library, 2009). The countries involved in the Category were mainly from Tonga, Tuvalu and Kiribati, with up to 250 Tongans, 75 Tuvalu and 50 Kiribati citizens becoming eligible for New Zealand entry. This limited entry quota replaced the seasonal work schemes that were previously in place with the Pacific nations, allowing more citizens to enter New Zealand providing they were in possession of a job offer and had high levels of health and language skills as well as being within the age limitations (Dalziel, Beehive; 2001). Furthermore, the number of Samoan migrants allowed into New Zealand under the Samoan

quota was raised to 1100, and gained automatic entry into the country, providing they were in possession of a job offer and had a high level of health. The focus on the Pacific, both in the rising accession numbers for Samoan migrants and the introduction of a new category specifically for Pacific migrants, is important to note. This may indicate New Zealand wishing to align itself closer to the nations of the Pacific, or reveal other motivations such as foreign policy and economic incentives.

2003- Immigration Policy Adjustments-

One of the major changes that occurred with the 2003 Immigration Policy adjustments was the replacement of the General Skills category with the Skilled Migrant category; which meant that the pass-mark system was replaced by a process based on qualifying points. The Skilled Migrant category allowed migrants who qualified above a certain point level to be entered into a selection pool, from which specific people would be invited to apply for residency. Points would be allocated with a focus on age, employment status, qualifications and work experience, regional location of the job offer and the relation of the job to an identified skills shortage. In addition to this, the migrants had to have health and character references, showing a shift in New Zealand immigration control policy toward the active recruitment of skilled migrants. (Beaglehole, Te Ara; 2008) Nevertheless, encouragement was still placed on the Business stream, with particular focus on investors who could contribute to New Zealand a minimum of NZ\$1 million, entrepreneurs who could prove their involvement in a successful business establishment in New Zealand, and relocating business employees (Ibid). The language test requirement for the business category was lower than the skilled migrant category; as it allowed migrants who had the capital, but not the skills, to gain access into New Zealand. The combined business and skills

categories was expected to bring in around 60% of all new immigrants into New Zealand, approximately 45,000 per year, (Ibid) revealing how important these categories, and the policies that dictated them, were to New Zealand immigration.

A further immigration policy change occurred in November, 2003 when the Cabinet agreed to create the National Immigration Settlement Strategy for new migrants, refugees and the families of refugees. The Strategy, released in 2004, set out six pointers that could be used as goals for migrants wanting to participate and involve themselves in New Zealand culture. These goals include: being confident when using English within New Zealand; obtaining appropriate employment in regards to the migrant's skills and qualifications; accessing information and services available to the community at large; forming support groups and social networks in order to sustain a community identity; feeling safe and accepted when expressing their national or ethnic identity, and participating in social, civic and community activities (Spoonley, Peace, Butcher, O'Neill, 2005: 86). The government believed that by using these pointers, migrants and their families would be able to balance their own cultures and beliefs while assimilating into the receiving society. These goals also cover a range of problems and concerns surrounding immigration as a whole, such as migrant-host country relations, housing, employment and education. The emergence of this settlement strategy is interesting to observe, as it indicates not only that New Zealand, "implicitly identifies an inclusive and cohesive society as one which accommodates new migrants and recognises the contributions that migrants make" (Ibid), but it also seeks to reinforce and define public confidence in New Zealand being a tolerant, diverse and supportive receiving nation.

2005- Citizenship Amendment Act-

During 2005, two very important Acts were passed that, although they did not officially focus on immigration policy, were integral to the concepts of citizenship and nationality that can have an indirect impact on immigration. The Citizenship Amendment Act was introduced in April, and increased the average period of residence from a three-year to a five-year period. This ensured that migrants wanting to gain residency in New Zealand had to extend their visa, as they could not use any time spent in New Zealand on a temporary permit as part of the time period. A further notable change included the removal of the special treatment provision for spouses of New Zealand citizens, as instead of becoming an a New Zealand citizen automatically through marriage, they would also need to meet the requirement of a five-year residency (New Zealand Parliamentary Library, 2008). The Citizenship Amendment Act also outlined what constituted as a New Zealand citizen, and detailed the specific provisions for those born to a New Zealand citizen as well as dealing with the issue of stateless children who are unable to gain residency through their parents. Prior to 2005, any child born in New Zealand became a New Zealand citizen automatically; however, the Act introduces limitations to this clause. From 2006, all children born in New Zealand had to have at least one parent who possessed either a New Zealand citizenship, or had permanent resident status from either New Zealand or a dependent nation, in order to can gain automatic citizenship (Department of Internal Affairs, 2010A). Furthermore, any children that were able to become automatic New Zealand citizens were required to be registered at birth. Further changes included the raising of penalties for unlawful documents or records of citizenship, alluding to the firmer stance on illegal immigration that New Zealand was taking.

The Passports Amendment Act was also introduced in 2005, and continued the trend of focusing on the issues of nationality and citizenship to influence immigration policy change. This Act signalled a shift in focus by New Zealand toward security and border control. The validity of adult passports was reduced to five years from the previous ten years; as well as information being allowed to be disclosed for the purpose of border security. Furthermore, the cancellation of New Zealand passports and other travel documents were given legal provision if national security was deemed to be threatened (New Zealand Parliamentary Library, 2008). One of the main aims of this amendment was to “tighten the criteria and vetting processes for New Zealand citizenship and reduce the likelihood of successful forgery and misuse of New Zealand travel documents” (Ministry of Internal Affairs, 2010B). National security - as well as the clear focus on the issues surrounding citizenship and nationality - makes these two Amendment Acts important to analyse, as these have a direct impact on the levels of immigration and the possible changes to immigration policy.

2009- Immigration Act-

The main focus of the 2009 Immigration Act is to modernise the immigration laws of New Zealand rather than to make significant changes to the immigration criteria. To do this, the Act focuses on two main areas of immigration control policy change, including: streamlining the appeals tribunal into a single, independent committee and creating a licence for immigration advisors. In addition, the Act also introduces new, modern definitions of important terminology that are used frequently within the immigration process. An example of this includes the word ‘visa’ replacing permits so that a more universal system of visa’s can be introduced. In terms of refugee status, the 2009

Immigration Act continues to honour the “commitment to the United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees” (Immigration New Zealand, Department of Labour; 2010). This indicates that New Zealand will continue to accept the required number of refugee’s under the United Nations statute and remain accepting of the United Nations definition of refugee status.

In streamlining the appeals tribunal, the aim was to ensure that the immigration and removal process for migrants remained uncomplicated and effective. The one, independent appeal body was named the Immigration and Protection Tribunal, (IPT) and worked within the administration of the Ministry of Justice. To demonstrate how complicated the process was beforehand, “the IPT replaces the current Removal Review Authority, Residence Review Board, Refugee Status Appeals Authority and Deportation Review Tribunal” (Ibid). All four of these were possible appeal authorities on migrant removal, and all four could be used for the similar task of protesting against a migrant’s removal declaration from the immigration office. By streamlining this process, migrants with various grounds for appeal, such as humanitarian or factual, can submit these together instead of appealing through the four different channels. This ensures that the IPT can see all grounds for appeal in one setting, and therefore decide the best result given the migrants circumstances. This streamlining also works for deportation, as the process of deliberation is maintained within one appeal body rather than four, leading to faster, more effective decision making.

The second, major change that the 2009 Immigration Act bought into effect was the introduction of both a license for immigration advisors and the ability for appropriately trained immigration officers to be allowed to: “enter and search places and craft at the border; enter and inspect the records of education providers, accommodation providers and

employers; and enter and search buildings and premises for persons liable for deportation” (Department of Labour, 2009). Although these powers are not new in the context of immigration control - as the 1987 Immigration Act gave police and customs officers these abilities and this was reinstated under section 293 - it was the first time immigration officers were able to enter and inspect points of entry into New Zealand, such as airports. The 2009 Act does place a safeguard over this clause, however, as this power does not extend to residential areas and there is a limited scope in which the immigration officers can justify searching or inspecting these areas. Cabinet also stressed at that immigration officers must be placed under appropriate training protocols in order to prevent this ability from being misused. The introduction of this into law is very interesting and important to note; as by increasing the number of officials with the power of immigrant investigation, it may identify the reoccurring focus of the New Zealand government on the prevention of overstayers or illegal immigrants.

3.5 Chapter Conclusion

There have been many changes to the immigration control policy of New Zealand, and these changes can provide a detailed timeline that can explain the reasons why immigration policy can change and what the main influencing factors behind these changes are. By using these ten examples of changes that have occurred within New Zealand since the late 1960s; this thesis hopes to offer a comprehensive slice of New Zealand immigration policy that can then be used to analyse the immigration policy of New Zealand as a whole. Each change used is important to the timeline of the immigration policy change, and all demonstrate the feelings within the government at the time, focus on the problems that immigration New Zealand faced, and show the attempts to resolve these issues. Therefore,

it is essential to explore each policy change as both part of a timeline and as a specific attempt by New Zealand to control migration. By using a combination of historical and statistical sources for data collection, this comprehensive timeline can now be used as a test for the five theories of immigration control policy changes. This will occur in the next chapter, and each will be analysed in depth in order to find which theory best explains and predicts immigration policy changes within New Zealand.

Chapter Four: Case Study Application and Theory Analysis

4.1 Introduction

The aim of this chapter is to analyse the effectiveness of the immigration control policies in validating the theories of international immigration change. To do this, each international immigration change theory, discussed in chapter two, will be comparatively analysed with the ten New Zealand immigration policy changes, introduced in chapter three. This analysis will take place through a historical qualitative analysis; examining each policy change and identifying the fundamental factors that had an influence. These factors will then be related to the theories to see which one best identifies all the factors present within each policy change. This chapter will focus on each theory and discuss the relevant immigration policy changes that they explain or include. Each theory will be recalled briefly before analysis commences on the fit of the theory to the ten New Zealand policy changes as discussed.

4.2 Recapitulating the Economic Consideration theory

The Economic Consideration Theory considers economic incentives and factors to be the main contributing factor to immigration control policy change. According to this theory, the migration cycle is created by migrants moving from developing nations to receiving nations in order to gain improved welfare and employment opportunities. The receiving nations seek skilled migrants and foreign investment in order to improve the economic wealth of the country. Skilled migrant workers are believed to have the ability to introduce

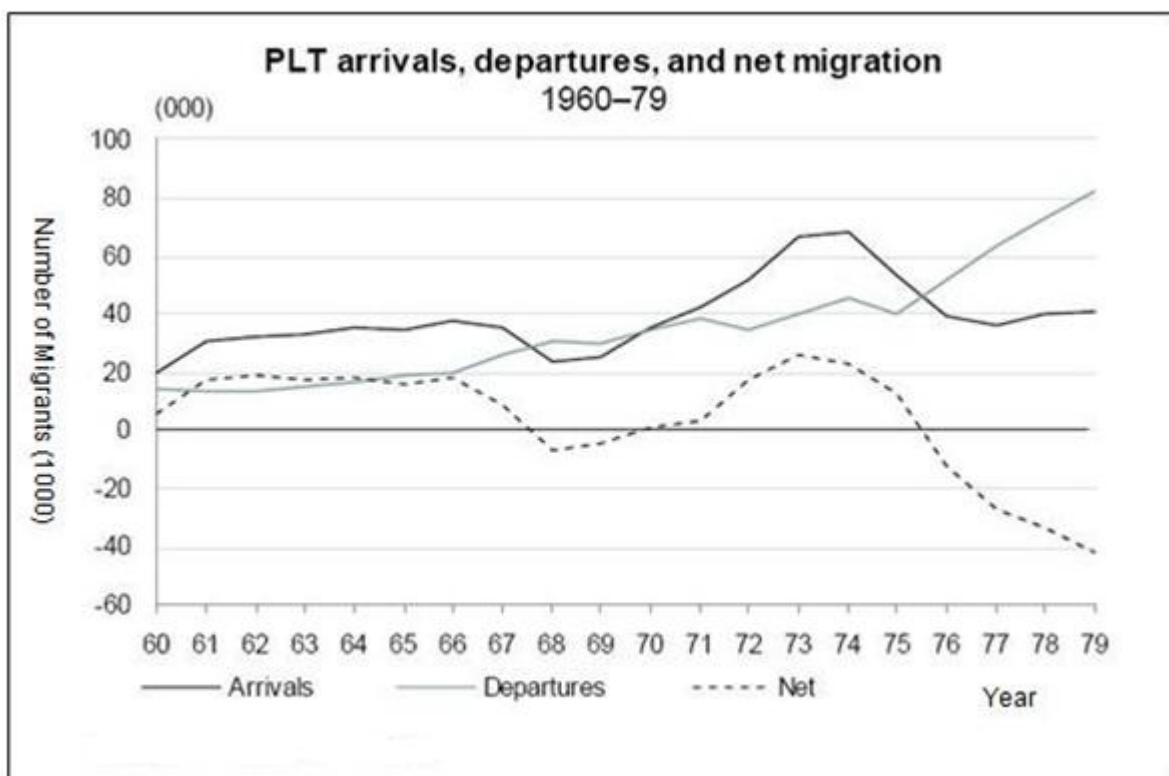
expertise and investment into the receiving society that native workers' may be unable to achieve through lack of education or knowledge base. Unskilled labour is also important, however, as migrant labour is perceived as an industrial reserve that can ensure both high levels of productivity and lower working wages for native workers. There is also a belief in some Economic Consideration theory that migrants can have a negative impact on the host nation's economy as unskilled migrants are perceived to take more in the form of welfare and benefits than they give back to the nation in terms of taxes and labour. This enhances the view that host nations must be restrictive on what kind of immigrant they allow to access New Zealand. The Economic Consideration theory further believes that immigration policy changes reflect the economic need of the nation; which explains why in times of recession and economic stagnation that immigration policies tend to become more restrictive, while in times of economic growth immigration policy often becomes less restrictive.

New Zealand Case Study Application

The Economic Consideration theory can be seen as identifying one of the main influencing factors, as most immigration Acts and Adjustments that have occurred within New Zealand have some sort of economic base. In particular, the 1961 Immigration Act has a very clear economic focus as "by the early 1960s, policy makers had realized that New Zealand was falling behind in the race for greater prosperity" (Singleton, 2005). This was largely due to the third Great Depression that hit New Zealand during the mid-1960s; producing high levels of inflation and debt (Easton, 1977). This economic stagnation led New Zealand to search for economic partnerships. Since "New Zealand's economic growth was very sluggish between 1950 and the early 1990s" (Ibid), the immigration policies during this

time reflect the desire of New Zealand to build up economic relationships with nations that had previously been overlooked due to the close relationship with the United Kingdom. This applies to the 1964 Immigration Act, as for the first time that New Zealand provided provisions for non-European migrants to enter New Zealand. This was the first step away from the White New Zealand policy as Asian and Eastern European migrants were allowed official access to New Zealand for the first time. This accounted for a growing number of migrants from Asian and Eastern European nations to access New Zealand shores, and helped raise the number of migrant arrivals well above the number of departures, as seen below (Figure 4.1).

Figure 4.1: Permanent and Long-Term Arrivals, Departures and Net Migration, 1960-79



(Source: Statistics New Zealand; 2009)

These statistics can also be used to describe the Economic Consideration theory's importance in explaining other New Zealand policy changes, including the 1974 Immigration Review. The review signalled the end of the unrestricted access agreement for migrants

from the United Kingdom, and set in place a skills-based category system to allow skilled migrant workers from around the world gain access to New Zealand. This contributed to high levels of arrivals of migrants to New Zealand, as non-European and non-British migrants had an unprecedented chance of gaining entry into New Zealand.

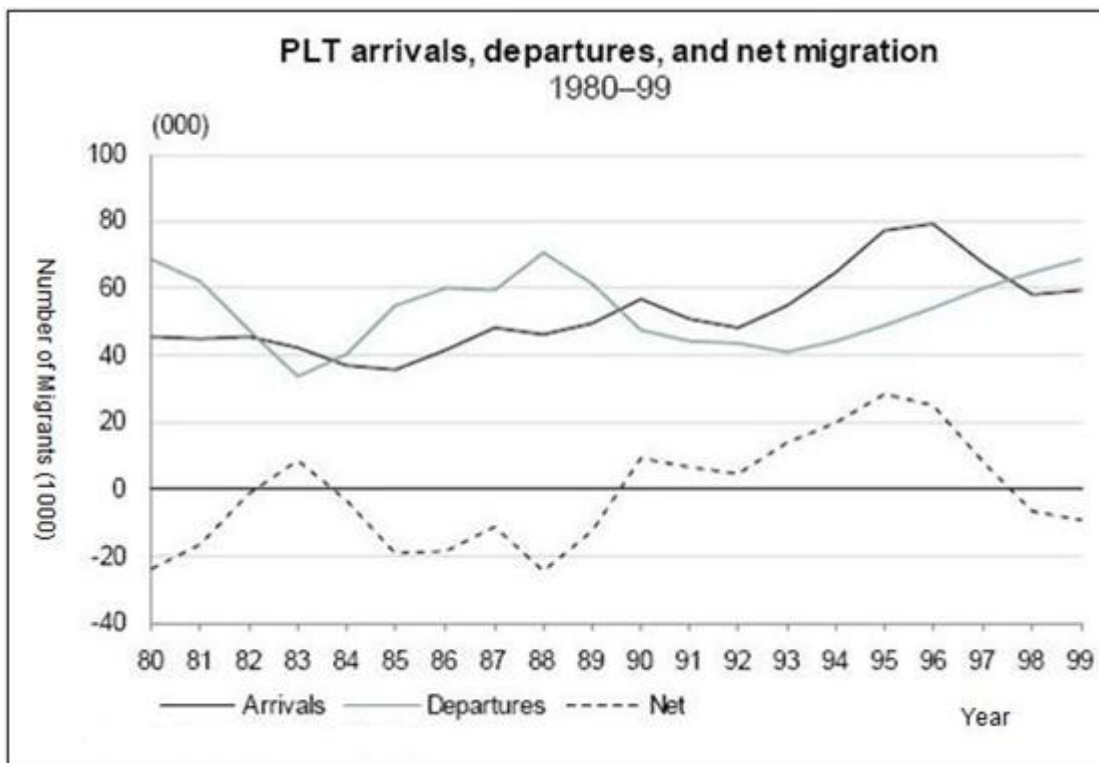
The Economic Consideration Theory could again be used to explain the factors that influenced this policy change. Through economic reasoning, the justifications for gradually opening up New Zealand to a range of foreign skilled workers are many. One such justification included the fact that “New Zealand had been suffering high and erratic inflation (averaging 10-15 percent per annum) for over two decades;” (The Reserve Bank of New Zealand, 2007; 22) as well as having a heavily regulated and homogenous economic focus. This lack of diversity meant that there had been a demand for unskilled labour and seasonal workers, mainly sourced from the Pacific Islands. This changed, however, as New Zealand attempted to liberalise and expand its economic boundaries, creating the need for a category that allowed more skilled workers to access New Zealand. This was provided for by the 1974 Immigration Review, which introduced four categories for migrant entry: humanitarian, family, refugee or general. Later the categories of occupation, family reunification and business were added to gain greater levels of foreign investment and skills. The Economic Consideration theory certainly applies to New Zealand immigration control policy change during this time, as the specific changes that did occur point to New Zealand using a liberalised immigration policy to gain economic strength after the freefall and stagnation following WWII. This moved away from the White New Zealand policy - which had been a core part of New Zealand immigration policy since European arrival - and allowed provisions for non-European migrants in the 1964 Immigration Act. The creation of

a skills-based category allowed foreign skilled workers to have access to New Zealand, indicating a concerted effort by policymakers to gain foreign skills and investments.

This effort can be seen continuing through later policy changes, including the 1986-7 Immigration Review and the 1991 Immigration Amendment Act. Both these changes included the introduction of more categories aimed at promoting New Zealand as a destination for investors and business migrants. The Immigration Review of 1986-7 introduced the Occupational Priority lists that prioritised access for foreign entrepreneurs and investors who were able to transfer approximately NZ\$150,000 into a New Zealand bank (Beaglehole, Te Ara, 2009) as well as possess proven business capabilities and language fluency. The Occupational Priority list gave skilled and business migrants hoping to enter New Zealand under the General Category an advantage over unskilled migrants, and ensured that New Zealand gained a high level of economically beneficial migrants. The 1991 Immigration Amendment Act initiated a Points System that replaced the Occupational List; awarding points to migrants based on their: education, language skills, employability, age, settlement fund. Gaining a certain level of points allowed for automatic entry into New Zealand (Ibid). From an economic perspective, this new Points System allowed tighter restrictions on migrants who could be perceived as being uneconomical for New Zealand, namely those who were unskilled or did not possess a settlement fund. This could be seen as reinforcing the claim that nations receive immigrants to increase the economic wealth of the country through innovation and product growth; rather than allowing access to migrants for more humanitarian reasons. New Zealand immigration policy during this time consistently acknowledged the need for migrants with skills and capital, regardless of ethnicity or background.

The 1995 Immigration Policy Adjustment continued this trend, with New Zealand policymakers introducing a new immigration policy that would ensure New Zealand continued attracting the 'right' type of migrant. The Economic Consideration theory believes that immigration policy serves the capitalist class of mainly businesses and politicians; (Petras, 1981) which fits with the 1995 policy adjustment legislation bringing a higher requirement of English language skills and a clearer definition of investment for migrants. In addition, migrants were required to have a statutory registration on their qualifications before they could then gain accession points towards the newly instated pass mark. These restrictions highlight New Zealand immigration's desire for migrants who would be able to rapidly benefit the nation's economy through taxation and innovation (Inda, 2000). This can also be seen through the transformation of the General Skills category – previously restricted to allowing British and Northern European immigration only – into the General category that allowed all migrants to apply for access. This contributed to a high number of migrants applying for access into New Zealand through this category, and resulted in a substantially higher number of arrivals than departures for the first time in many years. 1995 represented a milestone in immigration for two reasons, firstly; "a peak net inflow of 28,500 was reached," (New Zealand International Migration Statistics, 1922-2009; 2010) but also because "the source countries had ... changed. In 1995 there was a net PLT (permanent and long term migration) inflow of 3600 from the United Kingdom, New Zealand's traditional source of migrants, while the combined inflow from the Asian countries of Korea, China, Taiwan, Hong Kong, and Japan was 15,500" (Ibid).

Figure 4.2: PLT Arrivals, Departures and Net Migration, 1980-99



(Source: Statistics New Zealand; 2009)

The search for the economically beneficial migrant continued in the 2003 Immigration Adjustment. One of the main indicators that economic reasons were behind the changes was the transformation of the General Skills category into the Skilled Migrant category, and the change from a pass-mark into a qualifying points system. With this new category and system, migrants wishing to enter New Zealand would be judged on their level of points before being invited to apply for residency. These points would be allocated according to the qualifications, experience, age and employment status of the migrant, as well as the job offer location and skills shortage being experienced by the nation (Beaglehole, Te Ara; 2008). In addition to this, the migrants were required to possess health and character references (Ibid). This fits with the Economic Consideration theory that unskilled migrants are not economically beneficial; as these migrant specifications appear to justify New Zealand policymakers in allowing only migrants who would most benefit the

economy to have access to New Zealand, while those that may require welfare and services were not included in the provision.

The 2003 Immigration Policy Adjustment further fits with the Economic Consideration theory as there was a strong focus on the Business category as a way of attracting foreign investment and capital. Investors were invited to enter New Zealand provided they could contribute a minimum of NZ\$1 million, or prove their involvement in a successful overseas business (Ibid). To gain this sort of migrant, the language test requirement was much lower than in the other categories, and there were fewer restrictions around age, job offers and health. A report published by the Organisation for Economic Co-operation and Development (OECD) in 2005 found, “that immigrants of both countries [Australia and New Zealand] are more highly educated than the average Australian or New Zealander, reflecting selection systems in both countries which target skilled migrants” (OECD, 2005). This trend continued in 2007; “of those approved for permanent residency, most were in the Skilled Migrant and Business categories. 87% of this group had previously held a temporary visitor visa, student visa or [a] work permit” (Department of Labour, 2007). These factors indeed fit with the Economic Consideration theory that economic motivations are the most common and the strongest for immigration policy.

While the Economic Consideration theory does indeed fit and explain some of the New Zealand immigration policy changes that have been discussed, there are some aspects of the New Zealand case study that are not supported. One of the major discrepancies is that the Economic Consideration theory fails to explain why there were so many restrictions placed particularly on Asian and Eastern European migration (Mein Smith, 2005), despite

the high number of workers and the possibilities of skills and expertise that they could bring. The ideology of the White New Zealand policy was based on ethnicity and nationality-based values rather than economic theory. Although this policy was officially changed after 1964, there are still many policy changes that seem to be a response to the perceived threat of foreign migrants by policymakers towards the New Zealand identity, despite - and almost in direct contrast to - national economic benefits.

Furthermore; this theory does not fit with New Zealand's actions toward its Pacific neighbours. Allowing nations within the Pacific to have access to New Zealand, either through the Pacific Access category or the Samoan quota, was not the most economically beneficial immigration action; as many of the Pacific migrants were unskilled labourers (Beaglehole, Te Ara, 2009). This factor can also be argued for the Trans-Tasman Travel Arrangement (TTTA) as this free access between Australia and New Zealand resulted in many skilled New Zealanders leaving the country to be replaced by unskilled migrants. The OECD report stated that "almost a quarter of New Zealand's most highly skilled people have left the country - the biggest exodus of skilled workers from any developed nation," (OECD, 2005) with many of them using the TTTA to access Australian jobs. Despite the lack of economic benefits, this arrangement is still in place; resulting in another policy change that does not have an economic background and therefore does not support the Economic Consideration theory. Furthermore, this theory does not fully explain factors such as racial restrictions and environmental factors that can have an influence on immigration control policy change. While this theory appears to explain short-term policy changes, the lack of depth results in the longer-term trends in immigration policy being unsupported.

4.3 Recapitulating the Public Opinion theory

The Public Opinion theory has a relatively new model for immigration policy analysis. Although the focus of this theory is modern; it does not follow, however, that it cannot be used in a comparative analysis of earlier policy changes. The Public Opinion theory claims that immigration policy change is influenced by members of society and the public; who are able to influence the neutral state government to either restrict or liberalise the immigration policy. Groups opposing liberal immigration policies usually include unions and certain interest groups, as more immigration can equate to more competition to native workers for jobs, welfare and resources (Hollifield, 1992; Meyers, 2000). This theory focuses on the public, including policymakers, interest groups, political parties and administrators; thereby including most of the people that are actively involved in adopting and creating immigration policies. There is also a focus on businesses, interest groups and unions, as they are capable of maintaining a stance on immigration policy that can have an adverse effect on the outcome and therefore have an ability to change or preserve an immigration policy. One of the most interesting characteristics involves the neutrality of the state, so that the interests of society can be debated in an open and unbiased arena. In regards to businesses and other, pro-immigration interest groups; many of these oppose restricted immigration and support more liberalised methods. A reason for this is because migrant workers can provide a cheap and efficient work force that many business employers need in order to keep labour costs down. Both sets of groups can exert pressure on the government to change the immigration policy to suit their needs, and are therefore an important influence on immigration control policy change.

In addition, the Public Opinion theory believes that certain members of society, and in particular individual politicians, are able to have an influencing factor on immigration policy change. Politicians gain public votes by campaigning for the various changes to existing policies, or promising the creation of new policies while in power. This gives party leaders particular power over immigration policy change, especially if the political party has previously taken an anti-immigration stance. The Public Opinion theory views parties and politicians as both an influencing factor on immigration control policies, and also as a creator of immigration policies. The theory believes that this is reflected in the growing trend of anti-immigration parties that have gained support in nations all across the world, using immigration as a scapegoat for the economic and social problems of the nation.

New Zealand Case Study Application

This theory has a direct focus on the immigration policies within New Zealand both during and after the mid-1990s. The main points of the theory, however, can also be analysed in an earlier context to account for immigration policy in the 1960s. New Zealand has consistently pursued restrictive immigration policies in regards to non-European migrants, as evident from a 1953 memorandum from the Department of External Affairs that claimed.

“Our immigration is based firmly on the principle that we are and intend to remain a country of European development. It is inevitably discriminatory against Asians – indeed against all persons who are not wholly of European race and colour. Whereas we have done much to encourage immigration from Europe, we do everything to discourage it from Asia” (Beaglehole, Te Ara; 2009).

This government line is in keeping with the Public Opinion theory, as politicians and government officials within the Department of External Affairs are able to actively ensure

that the New Zealand immigration policy restricted non-European migrants, and were in the position of power where they could influence immigration policy change. This was also in keeping with the prevailing post-war view within New Zealand that discriminated against both Asians and other minorities; leading to public opinion being firmly supportive of these highly restrictive policies (Ibid). There are other immigration policies, however, that show the prominence of pro-immigration groups, such as businesses and employers; as more liberal policy measures were gradually introduced within the immigration policy during the 1970s. The influences of both the restrictive and liberal group's attitudes can be explored within the chosen immigration policy changes.

One of the first policy changes to reflect this theory is the 1964 Immigration Act; where many of the changes that were instigated could be seen as being influenced by businesses and labour employers. New Zealand needed migrant labour, as "New Zealand has traditionally been a labour-scarce country, and attracting migrants to work the land and provide manufactures and services was central to the economic growth strategy" (Hoadley, 2004;1). This Act introduced permit applications that gradually opened up New Zealand borders to non-European and well as European migrants. Skilled migrants and workers were sourced for industries that were short of labour; such as forestry, building and agriculture. Migrants from both Asian and Pacific regions, "had been encouraged to migrate as an important element of a mass labour migration of semi and unskilled workers in the expansionary phase of the post-war period" (Asia Pacific Migration Research Network [APMRN], UNESCO; 1996). The Public Opinion theory states that both interest groups and individuals can have an influencing effect on the immigration policy and the level of power that these groups or individuals have dictates how much influence they have. The 1974

Immigration Review can also be explained by the Public Opinion theory, as during this time business owners and employers possessed enough influence on the New Zealand policymakers to allow skilled workers access to New Zealand in order to exploit their labour for profit.

While the earlier policy changes seemed to promote access to New Zealand for migrant workers with skills that would be beneficial to New Zealand businesses and helpful for rebuilding New Zealand after the war; later immigration policy changes reflect a growing desire for restricted migrant access. Both the 1986-7 Immigration Review and the 1991 Immigration Amendment Act encouraged stronger measures to be taken to tighten immigration access; which, according to the Public Opinion theory, showed that anti-immigration groups were gaining more support. Many of the restrictions were aimed in particular at the growing number of perceived Asian migrants, however; Pacific migrants were also targeted.

“A study carried out in 1985–86 was revealing: it showed that whereas Pacific Island people comprised only a third of overstayers, they made up 86% of all prosecutions for overstaying. Citizens from the United States and the United Kingdom who also made up almost a third of those overstaying, represented only 5% of prosecutions” (Beaglehole, Te Ara; 2009).

In the 1991 census, the population of New Zealand reached 3,434,950; 73% of the population identified themselves as European or New Zealand European and 12% identified themselves as Maori (Statistics New Zealand, 2009). This shows that the remaining 15% of the population of New Zealand would be made up of minority groups such as Asian and Indian ethnicities. Despite this relatively small number; political parties such as New Zealand First, founded in 1993, gained support through their anti-immigration stance and belief that the ‘door must be closed’ (APMRN, UNESCO; 1996). The creation of this party reflected the

growing concern that members of the public, as well as many interest groups and unions, had on the number of migrants able to access New Zealand.

The New Zealand First party fits well with the Public Opinion theory; since becoming a party within the New Zealand political system they have become an advocate for public dissatisfaction on issues of immigration. Many of their campaigns follow similar lines that are identified by Public Opinion theory, such as the belief that migrant workers can threaten native workers employment and access to housing, resources and welfare (Hollifield, 2002). The immigration control policy changes that occurred after 1996 have been effected to an extent by this party depending on their level of popularity at the time. In particular, the 1995 Immigration Adjustment that brought tighter control over the pass-mark and reflected public opinion on immigration; brought on by the increasing number of migrants, especially from the Asian and Pacific areas, that were able to enter New Zealand.

Table 4.1: Number of Arrivals for Four March Years

Year	Asia	Pacific	Europe	Sth Africa	Total
1980	36 000	24 300	129 600	2 390	484 300
1985	79 000	27 000	143 600	1 790	598 600
1990	202 100	45 600	243 200	2 290	916 300
1995	454 500	55 200	336 800	13 190	1 388 100

(Source: APMRN, UNESCO; 1996)

The 2002 Immigration Adjustment again showed, through the policy change of raising the level of English fluency needed to gain access into New Zealand, the growing influence of anti-immigration sentiments within New Zealand. New Zealand First is not the

only group to criticise New Zealand's perceived liberal immigration policies, but as a political party it is one that is most recognised. Winston Peters, the leader of the New Zealand First party, has never admitted to being anti-Asian; "nevertheless, it is clear from the public reaction and the responses to polls that he represents a significant constituency in New Zealand that is hostile in varying degrees to Asian immigration" (Ibid). The Public Opinion theory recognises the importance that New Zealand First party - as a political party - has had on influencing New Zealand immigration policy change.

Two policy changes that can be viewed as especially important in validating the Public Opinion theory are the 2005 Citizenship Amendment Act and the 2005 Passport Amendment Act. These acts were created while the New Zealand First party was in a supply-and confidence agreement with the Labour party, and consequently show how effective minor political parties can be in transforming and changing policy in a coalition government. The 2005 Citizenship Act is important in relation to immigration policy as it sets out and legitimises the process of becoming a New Zealand citizen as well as identifying key terms, such as nationality. This Act extended the time period allocated for becoming a New Zealand citizen from a three-year period to a five-year period. This requirement ensured that New Zealand citizenship was harder to attain; clearly showing the influence of the anti-immigration groups, such as the New Zealand First party on existing immigration-related policies. This Act also focused on transforming and restricting the legal citizenship rights of children. Previously, children born within New Zealand automatically gained citizenship. The Act however, limits this provision by restricting citizenship rights to children only of a New Zealand parent or a citizen of a dependent nation (Department of Internal Affairs, 2010A). These children must also be registered at birth with the Department of Internal Affairs,

ensuring that the children of migrants are increasingly separated in legal terms from the children of New Zealand citizens. This more restrictive stance reflects the growing influence of what the Public Opinion theory deems to be anti-immigration groups; including New Zealand First but also union members, workers and other minority groups that are threatened by the perceived increase of migrant workers (Meyers, 2000).

The Public Opinion theory has many highly relevant aspects and does identify some of the key factors that have influenced New Zealand immigration policy. One of the weaknesses in the explanatory power of this theory, however, is the lack of analytical depth. There are many immigration control policy changes that are not fully explained through this theory, such as the Trans-Tasman Travel Arrangement and both the 1964 Immigration Act and the 1974 Immigration Review. There are changes that occurred in these and other immigration policies that were legislated despite public opinion being against them. A clear example of this was the removal of the assisted British immigration provisions in 1964, and eventually the end of unrestricted British access in 1974, which resulted in the opening up of New Zealand's borders to Asian and Eastern European migrants. These policies were economically necessary but highly unpopular with the New Zealand public. The TTTA is another example, which is more focused on foreign policy considerations than on public opinion or benefits. Indeed, this arrangement has repeatedly come under criticisms from many New Zealanders, who claimed that the TTTA contributed to New Zealand's 'brain drain'. In 2005, statistics revealed that, "figures also show that 24.2 per cent of all New Zealand-born people with tertiary educations now live overseas" (Collins, NZ Herald; 2005). Many of these New Zealand citizens have chosen to move to Australia or Britain; indeed, "three-quarters (77 per cent) of all NZ-born expatriates have just hopped across the Tasman

to Australia (Ibid; Wilson, Te Ara; 2009). This again reveals the Public Opinion theory as being less supportive within the New Zealand case study, as there is no explanation for policies being legislated despite the lack of public support.

A further factor that highlights the weak explanatory power of this theory in regards to New Zealand immigration change follows on from the perception that the state as neutral, and therefore able to be influenced by political parties as well as individuals. The nature of New Zealand's party system as well as the political system itself is not neutral; indeed, it can be argued that no political system can be fully neutral. This theory focuses on the different influences that pro or anti- immigration groups can have on a policy without explaining how the political system itself can have influences as well. By claiming that various pro or anti-immigration groups can have an influence on policy change if they possess sufficient power and support, the Public Opinion theory appears to be less sophisticated than other theories. Furthermore, it is also difficult to prove which group had the influence over policy change at any given time, as there is often little or no information to validate these claims up. The weakness in the theory's explanatory power can again be linked back to the lack of scope and detail that the Public Opinion theory possesses; as it does not identify all of the main factors within New Zealand that have had, or continue to have, an influence on immigration policy change.

4.4 Recapitulating the Nation-State and Identity theory

The Nation-State and Identity theory focuses on the unique tradition of each nation as the main influence on the immigration policy that is utilised within the nation itself. The concepts of national identity and citizenship are seen as more important than external factors, unless they directly attribute to the state itself, such as the demography and

economy. This theory also promotes the idea of the migration cycle, where states in the process of nationalisation expel migrants from unwanted religious, ethnic or political groups that are then able gain access to receiving nations needing migrants to fill gaps within their own society and markets. Because of this cycle, the Nation-State and Identity theory believes that states have created immigration, as only through the expelling and receiving of migrants from controlled and bounded territories does immigration actually exist (Joppke, 1999). Although the Nation-State and Identity theory believes that states have created immigration, this theory also claims that only states have the ability to control immigration. Restrictions on immigration therefore, can only exist because the state in question wants it to exist and has set in place policies that follow this through. Therefore, immigration policy change can only be influenced by the state itself.

Furthermore, the historic experiences of the state can have a profound effect on whether foreign migrant workers are received or restricted. Past experiences, such as whether the state in question is an ethnic or a settler based society, can also influence what immigration policies are legislated by the state. Ethnic societies include European nations such as France and Germany, who tend to reject ethnic diversity and view it as a negative societal value; while settler societies such as Canada and the United States view immigration as a promotion of democratic values (Meissner, 1992). How immigration is viewed has an important influence on whether the immigration policies of the nation are either restrictive or open. This theory effectively uses each nation's complex and unique history so that a full comparative analysis can be successfully reached. Therefore, most nations that are used by the Nation-State and Identity theory are those that possess long histories, such as Germany, Britain and France.

New Zealand Case Study Application

This theory is interesting as it uses historical narratives to understand why each nation possesses a certain type of immigration policy. Although New Zealand does not have a long history, there is substantial evidence that is available to assist in the background exploration of the ten immigration changes that are considered within this thesis. The Nation-State and Identity theory fits well with using New Zealand history to explain certain immigration policies. New Zealand is commonly referred to as a settler society, as it was founded and developed as a state through mainly European migration. The early immigration control policies however, reflect the strong connection with Europe, and in particular Britain, and are therefore more ethnic based than settler-based. The prevalence of the White New Zealand policy up until the mid-1960s shows this, as immigration was almost totally restricted to British and Northern European migrants (Beaglehole, Te Ara; 2009). This was because of the belief that these migrants could be easily assimilated into New Zealand society, while migrants from Eastern Europe, the Middle East and Asia were perceived as harder to settle due to differences in language and lifestyle. This background is important for the Nation-State and Identity theory, as the historic experiences of a state are perceived to indicate what level of restriction is placed on the immigration policy and thereby influence immigration policy change. The White New Zealand policy was transformed between the mid-1960s and mid-1970s as a response to the changing political and social climates. This included both the severing of trade and dependency links with post-EEC Britain in 1974 and the economic problems created by the mini depression of the late 1960s. In addition, the need for migrant workers to fill the spaces that were created by subsequent economic growth could not be filled by the comparatively small number of

native workers (New Zealand International Migration Statistics, 1922-2009; 2009). The fact that it took New Zealand policymakers so long to change the White New Zealand policy despite these substantive changes seems to fit with the theory that New Zealand may be considered an ethnic society.

Furthermore, despite all these important incentives to liberalise the White New Zealand policy, there is evidence that there remained a strong resistance to allowing non-British migrants to gain access to New Zealand. This can be seen in the 1964 Immigration Act, where the provisions for non-European migrants were first laid out. British migrants however, were still highly favoured and able to receive assistance packages that helped with the migration process to New Zealand (Statistics New Zealand; May 2008). It was not until 1974 that New Zealand ceased the unrestricted access programme, but British and Northern European citizens were still able to gain preferential access through their own specific General Skills category. This fits with the Nation-State and Identity theory, as although New Zealand was liberalising its immigration policy, it still echoes the ethnically based society policies of the British 'motherland'. In what could be seen as a completely contradictory move, however, in 1974 New Zealand granted free access, under the Pacific Review to its dependant Pacific Islands of Niue, Tokelau and the Cook Islands; showing a more settler based immigration policy emerging. Despite having ethnically-based immigration policies, this opening up of New Zealand borders may have been inspired by countries such as Canada, United States and Australia, who were viewed as potential allies for New Zealand with a settler-based societal model that perceived immigration as a promotion of civic participation rather than as a threat to national unity. This ideal also fits with the Nation-State and Identity theory, as it shows the New Zealand state in a transition phase from a

British-influence to a more settler-based policy that reflects the growing ties between other settler nations and the weakening ties to Britain.

The 1973 Trans-Tasman Travel Arrangement also reflects the growing ties between New Zealand and other settler-based nations. The TTTA, as pointed out previously in this chapter, can be viewed as having no real economic incentive - except to possibly bring the two nations closer together – as well as a varied public opinion incentive; as although the arrangement was popular it contributed to the unpopular perception of the New Zealand ‘brain-drain’. The Nation-State and Identity theory, however, does fit with the TTTA policy. In terms of the state history, it could be argued that New Zealand was trying to establish itself as a settler-based society by moving away from the ethnically-based immigration policy that was previously legislated. By creating an ‘open-door’ policy with Australia, New Zealand was both aligning itself with a neighbouring nation that had previously experienced the transition from an archetypical ethnic society into a settler society, and experimenting with a more liberal immigration policy. This experimentation can be seen as further commencing in the 1974 Immigration Review, when the unrestricted access scheme for British citizens ended and the new skills-based category was put in place. The 1974 review signalled the end of a major British influence on New Zealand’s ethnically-based immigration policy, and the beginning of a settler-society influence instead.

Further immigration control policy changes that could fit with the Nation-State and Identity theory are the 1986-7 Immigration Review, 1991 Immigration Amendment and both the 1995 and 2002 Immigration Adjustments. These immigration policy changes are similar in many ways in that they apply specific and often minor changes to existing legislation. The 1986-87 Review introduced the occupational priority list that was open for any migrant,

regardless of ethnicity, to apply for residency. This list was restrictive; however, as there was a category of skills, language fluency, financial details and specific qualifications that the migrants had to be achieved before they could apply. The continuation of wanting to attract the 'skilled migrant' is present in these policy changes, as "members of a political community have a collective right to shape the resident population" (Walzer, 1988; 52). In a similar fashion, the points system introduced in the 1991 amendment awarding points based on migrants employability, language skills, age, education and financial status. This was an effective restrictor of immigration as the number of points needed to gain accession into New Zealand could be easily changed by the government. This was used to control migrant numbers, and restrict those migrants who did not 'fit' the resident population. The 1995 adjustment followed this trend, with the government using the pass-mark in order to control migration numbers.

Furthermore, these same shaping trends can be seen in both the 2002 Immigration Adjustment and the 2005 Citizenship Act. The 2002 adjustment is interesting to consider as it also restricted immigration in some areas by raising entrance-level language skills, but it also created a specific category that allowed higher numbers of Pacific migrants to enter New Zealand. This again fits with Walzer's belief that certain members of society are able to shape the population by restricting some migrants and allowing access to others. The restrictions; including a higher language requirement for the Business and General Skills categories, as well as a change to the point premium - previously awarded to migrants in possession of employment within New Zealand - were mainly focused on non-English speaking migrants and those who found contributing and assimilation into New Zealand society difficult. These same restrictions were not applied, however, to migrants from the

Pacific. The Pacific Access Category created a special provision for citizens of Kiribati, Tuvalu and Tonga that allowed a specific number of migrants to gain immediate access to New Zealand each year. Provisions for Samoan residents were also added, raising the number able to gain automatic entry. This focus on the Pacific Islands may fit with the National Identity theory as New Zealand's identity has a historical connection with the Pacific, and in order to maintain this connection, the Islands must be reflected and included within the immigration policy.

The 2003 Immigration Policy Adjustment is another policy change that fits with the Nation-State and Identity theory belief that the state uses immigration policy to serve its own interests. This adjustment introduced a new Points System that allocated migrants points based on their qualifications, age and employment status and other skills. The General Skills category was also transformed into the Skilled Migrant category, emphasising the continued focus by New Zealand immigration on migrants that could benefit New Zealand's economy, state and development. In a similar move, this Adjustment focused on the Business stream, which allowed investors and entrepreneurs access to New Zealand if they could invest NZ\$1 million or prove their business success within New Zealand. Furthermore, the adjustment initiated the Settlement Strategy, which highlights the focus of the government on ensuring migrant assimilation and productivity while promoting itself as a supportive receiving nation. This Immigration Adjustment fits with the Nation-State and Identity theory, as there is a clear focus by the state on accessing the migrants that can fill employment gaps within New Zealand while at the same time exercising the states right to restrict entry for those migrants that do not.

This theory has some very relevant arguments and the use of historical experiences is one that is interesting and useful; however, there are some limitations to this theory supporting the New Zealand case study that must be addressed. One of the main criticisms of the theory itself is the inability to explain why so many nations have imposed similar immigration control policies despite having different historic experiences. In addition, the continued restriction on immigration by states - despite their perceived settler-state identity - remains unexplained. This is seen in the New Zealand case, as despite moving away from the ethnically-based White New Zealand policy in the 1970s and adapting a more settler-society policy, there still remain restrictions that are specific to language and assimilation. States are complex entities, and therefore the simplistic division into two basic categories is insufficient to describe the realities of both international politics and immigration control policy change.

A further criticism on the explanatory strength of the theory involves the level of control that the state is perceived to have over immigration policy. In this theory, factors such as interest groups and politicians are largely downplayed, although the strongest proponents acknowledge factors such as the economy have a role in influencing immigration control policy change (ibid). In the New Zealand case, focusing solely on the state as having full control over immigration policy change results in several other important factors being downplayed or ignored. These factors could include political parties and politicians with anti-immigration views - such as the New Zealand First party – foreign policy concerns and the struggle to forge overseas relations. There could also be the argument that the state is not in control of immigration at all, as shown by the consistently high number of migrants applying for entry despite the limited numbers. It could also be argued

that if the state was in control then the immigration policy would not need to change, or introduce specific restrictions on language skills and qualifications in order to keep out certain migrants. Although this theory does have some very interesting arguments, the limited focus indicates that this theory cannot fully explain New Zealand's immigration control policy changes.

4.5 Recapitulating the Gap Hypothesis theory

The Gap Hypothesis theory has an extremely interesting argument that attempts to explain both why immigration policy changes as well as the reasons why many nations experience difficulty in controlling immigration flow. This theory claims that immigration policy change occurs when the current policy becomes unable to effectively control the realities of immigration. The Gap Hypothesis theory uses the term 'policy gaps' to describe the difference between the policy and the reality, claiming that these gaps can result from either an inadequate implementation of the policy or through unintended consequences of the policy itself. Measuring the gap involves a comparative approach between immigration policy quotas and targets and the official data of received migrants. This official data can either focus on the number of migrants entering the nation, or on other aspects of immigration policy, such as how much longer over the stipulated period those migrants tend to remain in the nation. Gaps in immigration policy can be further measured through public opinion, as the theory believes that a noticeable difference between the recommendations of the immigration policy and the actual immigration reality would result in the government appearing ineffective, weak and unable to maintain immigration control. This could then trigger a strong backlash by the public against the government, resulting in public opinion to become increasingly negative.

The Gap Hypothesis theory does acknowledge that there are some problems when measuring policy gaps; such as that the reliance of the theory on the receiving nation having a coherent and official immigration policy, which many nations – including New Zealand – did not have until the early 1970s. Many non-Western states still do not have coherent immigration policies, leading to a difficulty when attempting to analyse the differences between policy and reality. Using public opinion to analyse policy gaps is also complicated, as many opinions are created within the public sphere about immigration policy despite a lack of knowledge and understanding of the underlying issues. This can result in misconceptions that can further influence the policy gap. Furthermore, the public is not monolithic; but comprised of many interest groups and individual sectors, so conclusions that are drawn may not be fully representative of the public as a whole. Despite this, the Gap Hypothesis both identifies and attempts to work around these problems whenever possible in order to fully analyse immigration policy change.

The Gap Hypothesis theory identifies three major reasons for policy gaps occurring. Firstly, that the policy itself is flawed, ambiguous or lacks the power of enforcement. This entails that although there are policies in place to control migration within a receiving nation; they are ineffective at deterring migrants or initiating enforcement resources that would prevent a policy gap. A second explanation focuses on the continued demands for migrant workers. This explanation argues that as migrant workers become a structurally embedded factor that is needed for cheap labour and product growth within the receiving nation, they become impervious to any intervention by government or officials. The third explanation focuses on the declining birth-rate of many developed nations that are becoming increasingly supported by both migration streams and the reproductive cycles of

the migrants themselves. Consequently, many governments are noted as having intentions and interests that are different from their official policy, and only give the appearance of trying to limit migration streams whilst actively encouraging the opposite; thus creating a policy gap.

New Zealand Case Study Application

The Gap Hypothesis theory is highly complex when applied to New Zealand's immigration control policy; as it focuses on statistics in order to gain a measurement of the states immigration flows. It is important to look not only at the number of migrants that are both entering and leaving New Zealand in order to ascertain whether there is a gap between immigration policy and reality, but also to look at the makeup of these migration statistics in order to understand the type of migrants making these statistics. The Gap Hypothesis theory can be seen as fitting with several of the immigration policy changes that have been selected for this thesis.

The Gap Hypothesis theory can be seen as fitting with the 1964 Immigration Act, as well as the 1974 and 1986-87 Immigration Reviews. These three policy changes can be identified as resulting from a policy gap being created between the immigration policy and the immigration reality of New Zealand. The 1964 Immigration Act in particular reflected the growing need for New Zealand to gain trade relations with nations, previously overlooked as a result of the exclusive trading relationship between New Zealand and Britain. The loss of this vital trading link in 1963 meant that New Zealand needed a clear readjustment of the immigration policy that would highlight the pressing need for international investment, relations and trade. There was a distinct backlash by New Zealand citizens over this Act who

remained unwilling to negotiate on less restrictive immigration policies, despite the clear gap between immigration policies and realities, which fits well with the Gap Hypothesis theory.

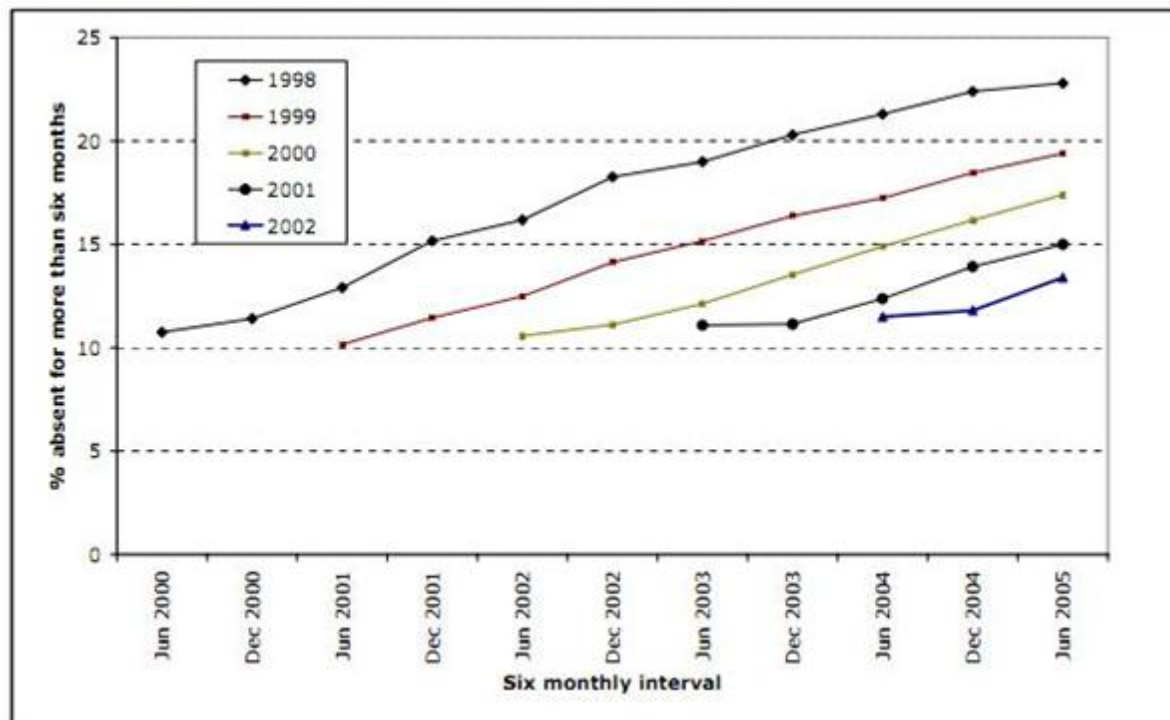
The 1974 Immigration Review continued this trend, as New Zealand cut all assisted migration schemes for British migrants and introduced the new points-based system, although retained a Category for British migrants. This further signalled both the move away from the White New Zealand policy and the attempts to close the policy gap that remained entrenched in the New Zealand immigration policy. Migrants from all nations were given the opportunity to apply for residency under specific categories that reflected New Zealand's desire for skilled migrants and international capital (Beaglehole, Te Ara; 2009). There still remained hostility for this Review among many New Zealand citizens, who believed that only migrants from the United Kingdom and Western Europe could successfully assimilate into New Zealand society. Again, the gaps between the immigration policy and the immigration realities remained at large, continuing the validity of the Gap Hypothesis theory. In the 1986-87 Review, all of the ties to British immigration bias were cut as the source country criterion was discarded and focus was again placed on gaining economically beneficial migrants and investors in order to sustain economic growth within New Zealand (Ibid). However, consistent to the Gap Hypothesis theory; the 1986-87 Review also focused on placing restrictions on unskilled migrants, specifically from Asia and the Pacific, by placing requirements on language skills and academic qualifications. This also reflects the policy gap that occurred between the immigration policy and the reality of New Zealand immigration, as in order to open up its borders to foreign investment and trade, New Zealand had to allow entry to many migrants that were previously restricted by the White

New Zealand policy. This ethnically diverse influx of migrants contributed to a wide gap between the policy and reality of New Zealand immigration that resulted in many new and more restrictive policies being put in place.

It is important to note, however, that despite the application for residency, it is a reality that many migrants do not remain in the nation despite receiving residency. After all, “not all migrants would have intended staying permanently, and many migrants who remain in New Zealand for a shorter period make a valuable contribution while they are here” (People on the Move, Department of Labour; 2006). The People on the Move research also showed that “migrants approved in 1998 and 1999 had out-migration rates that were more than twice as high as the estimated rates for the New Zealand usually resident population” (Ibid). In the early 1990s, immigration from Asia sharply increased following the 1991 Immigration Amendment that introduced the points-based system of selection. A majority of these migrants came from Taiwan, the Republic of Korea and Hong Kong. This increase could be seen as affecting public opinion, as during the 1996 elections the New Zealand First party came up with its first ‘Asian Invasion’ slogan and brought immigration policy to the forefront of the political agenda (Bedford, Migration Policy Institute; 2003). This backlash is consistent with the Gap Hypothesis theory, as the migration numbers had recently changed and the new reality of immigration was not reflected by the policy. Although the 1995 Immigration Adjustment created a pass-mark and introduced some tighter restrictions on qualifications and language; this was not seen as enough by New Zealand First and its supporters, who campaigned for further restrictions. Criticisms raised by these parties had a clear economic focus; “the particular accusation against the business immigrants was that they merely put investment funds in the bank for two years and generated little economic

growth while their families were ‘ripping off’ the system by enjoying New Zealand’s education, health and welfare services” (Ip, 2000). These migrants were termed as long-term absent migrants, but were criticised as using New Zealand as a ‘dumping ground’.

Figure 4.3: Proportion of Migrants Approved for residence from 1998-2002 who were Long-Term Absent at Six-Monthly Intervals



(Source: Department of Labour, *Migration Trends*, 2005; 66)

This criticism is important as it focused on disproving the traditional belief that migrants are beneficial to the nation’s economy. “This looming policy gap raises significant issues and dilemmas that are likely to become more salient and produce important policy changes in the future (Reitz in Cornelius et al, 2004; 99). The counter-argument raised by the Department of Labour, however, admits the reality that the subsequent emigration of migrant may occur for many reasons that are unrelated to an ‘unsuccessful’ settlement.

Asian immigration numbers did fall during the late 1990s, but this could be more of a result from both the 1997 economic crisis in Asia combined with New Zealand’s slow

economic growth, thereby making it an unattractive destination for potential Asian investors and migrants. These numbers grew in 2001 however, as New Zealand's economy gained significant growth. "At the time of the 2001 census there were 237,000 people who identified with Asian ethnicities — the equivalent of just over six percent of the total New Zealand population" (Ibid). This perceived influx of immigrants created another backlash within the New Zealand public that resulted in the 2002 Immigration Adjustment. This Adjustment sought to further restrict immigration by raising the minimum language and qualification levels with a clear focus on restricting Asian and Indian migrants. The statistics, however, show clearly how dependent New Zealand was on Asian immigration to gain skilled migrants.

"During the year ending June 2002, the New Zealand Immigration Service approved entry for fewer than 53,000 new residents. Of these, 8,700 were Chinese and 8,400 were Indians — well above the third placed United Kingdom (6,600 approvals for residence) and fourth placed South Africa (4,300). Just over half (54 percent) of all approvals were for people who were citizens of countries in Asia" (Bedford, Migration Policy Institute, 2003).

The high numbers of Asian and Indian migrants show the realities of New Zealand immigration that were further reflected by the 2003 Immigration Adjustment. Instead of introducing restrictions to combat the public view of uncontrolled immigration, the 2003 adjustment set out a settlement strategy to help migrants assimilate into New Zealand society. Highlighted within the adjustment was still a focus on skills and economic growth with the introduction of the Skilled Migrant category, but the settlement strategy ensured that the main policy focus would be on encouraging migrants to participate with New Zealand culture. This policy adjustment sought to solve many of the problems migrants faced as well as ensure the continued residency of the migrants themselves. With this adjustment, it is clear that New Zealand was changing its policies to reflect the realities of

immigration; that New Zealand needed to define itself as a tolerant and supportive receiving nation, but also that migrants were vital to the continued economic and social growth of New Zealand and therefore needed to be supported.

Despite the previous attempts to encourage assimilation and permanent residency in immigrants settling in New Zealand; the 2005 Citizenship and Passport Acts again placed restrictions on migrants by focusing on the provisions surrounding citizenship and gaining a New Zealand passport. This Act could again show a shift in the reality of immigration that the policy is attempting to reflect; specifically through lengthening the period of residency required to apply for citizenship and removing certain spousal and child rights. Despite this continued focus on restricting Asian and Indian immigration, the statistics for the 2005/6 period reveal some interesting facts; such as that the largest portion of approvals for permanent residency went to UK nationals, followed by Chinese nationals (Department of Labour, 2007). In addition, “in the Skilled Migrant Category, the UK was the largest source at 41%, a 10% increase over the previous year [while a further] 12% came from South Africa and 11% from China” (Ibid).

A gap between immigration policy and reality is further revealed by the fact that the New Zealand First party gained power through a confidence and supply agreement with the Labour party, gaining 5.72% of the vote and thus representing the third-largest political party (General Election Official Results, 2005). Winston Peters continued his anti-immigration focus by claiming that the then current immigration policy was “a deliberate policy of ethnic engineering and re-population” (NZ First Press Release, 2005), which needed to be changed in order to protect New Zealand’s identity. The comparisons between the statistics revealed by the Department of Labour and the ones used by Peters mark a clear

gap between immigration realities, and show just how significant immigration issues can be. It is important, however, to take note of the immigration policy critiques that have been put forward by both the New Zealand First party and other interest groups as through this public opinion can be gauged.

The 2009 Immigration Act also fits with the Gap Hypothesis theory, as it identifies key areas of public interest and deals with reforming immigration policy that has become dissimilar to the realities of immigration. The key areas addressed by the Act include the various bodies of appeal available for migrants; this area had been criticised previously by officials and the public. The four independent appeal tribunals created complications in both the removal of illegal immigrants and the process of migrant appeals. This led to many migrants being able to stay in New Zealand illegally for prolonged periods while their appeals were being carried out, and contributed to a backlog of cases as each individual case could use all four channels. The 2009 Act replaced this system with the Immigration and Protection Tribunal (IPT) which streamlined migrant appeals and allowed them to present their cases to one cohesive authority. This meant that the process of deliberation was minimised, leading to faster decisions and effective rulings. In addition to the criticisms regarding the immigration tribunals, immigration officers came under attack after it was revealed that there was no licensing system for immigration officers, allowing some individuals to cheat the system and allow access to illegal immigrants. Furthermore, immigration officers lacked the training and authority to search airports or other points of entry into New Zealand. The 2009 Act sought to work against these gaps through initiating a licensing system for all immigration officials and allowing trained officials the power to enter buildings and premises where persons liable for deportation may be found. The Act shows a

clear focus toward preventing illegal immigration through closing gaps within the immigration policy.

The Gap Hypothesis theory is clearly important in immigration policy terms, as it introduces different aspects of immigration policy that are vital to a full and comprehensive analysis. The main weakness in the Gap Hypothesis theory's explanatory power, however, is the difficulty in identifying and measuring the policy gaps themselves. New Zealand does not have a long history of immigration, and this can create issues when attempting to find historical reasons for policy gaps. Immigration data is also difficult to access before the early 1980s, complicating the analysis of this theory for the 1964 Immigration Act and the 1974 Immigration Review. Furthermore, as mentioned in the theory introduction, this theory is based on many factors that are often difficult to fully gauge, such as public opinion; which is neither monolithic nor clear-cut. This theory also fails to fully explain the 1973 Trans-Tasman Travel Arrangement, as this did not seem to fill any policy gaps and was not a result of either official targets or instigated as a result of public opinion backlash. Despite these difficulties, the Gap Hypothesis theory remains important in the analysis of immigration policy through its ability to fit with many changes and explain a wide range of factors that can, and have, influence New Zealand immigration policy change.

4.6 Recapitulating the Socio-Economic and Foreign Policy theory

Unlike the other theories discussed in this thesis, the Socio-Economic and Foreign Policy (SEFP) theory focuses on identifying and analysing numerous factors that may influence immigration control policy change. This theory focuses on five major factors that could affect immigration policy change. The major factors include: the state of the economy; wars; foreign policy; volume of dissimilar composition and ideological cycles. The state of

the economy is fuelled through interest groups, as they are capable of placing pressure on the government to either restrict or liberalise the immigration accession number depending on the economic situation and in order to gain the most benefits. Wars can impact immigration policy in two specific ways by either promoting a more liberal approach or facilitating greater restrictions. A liberal approach can be found when migrant workers are in demand when various job opportunities arise within the mobilised and war industries. On the other hand, a restrictive approach can be seen when migrants are viewed as external and foreign by the receiving society, and are therefore related to the outside threat. These two factors can clearly have an impact on whether migrants are granted access into the receiving nation, and therefore have a strong impact on immigration policy change.

Foreign policy is a further factor within the SEFP theory that has a strong influence on policy change. Immigration policy is closely linked with foreign policy, as many nations reflect their desire to improve both military and economic relations with another nation by liberalising their immigration policy for that particular nation. Furthermore, immigration policy can be changed by a receiving nation in order to gain respectability, but it can also be a political tool that can band a group of nations together. This regional membership often results in a change of immigration policy; as members are allowed free access and non-members are restricted. A further influence on immigration policy includes the volume of dissimilar composition; meaning the level of ethnic composition of incoming migration that diverges from the norm in terms of race and culture. This can influence immigration policies, as large-scale immigration of people who are 'unfamiliar and strange' can lead to high levels of xenophobia and racism from the major ethnicity (Meyers, 2000). These levels can also be exploited by anti-immigration movements, who use the belief that the receiving nation is

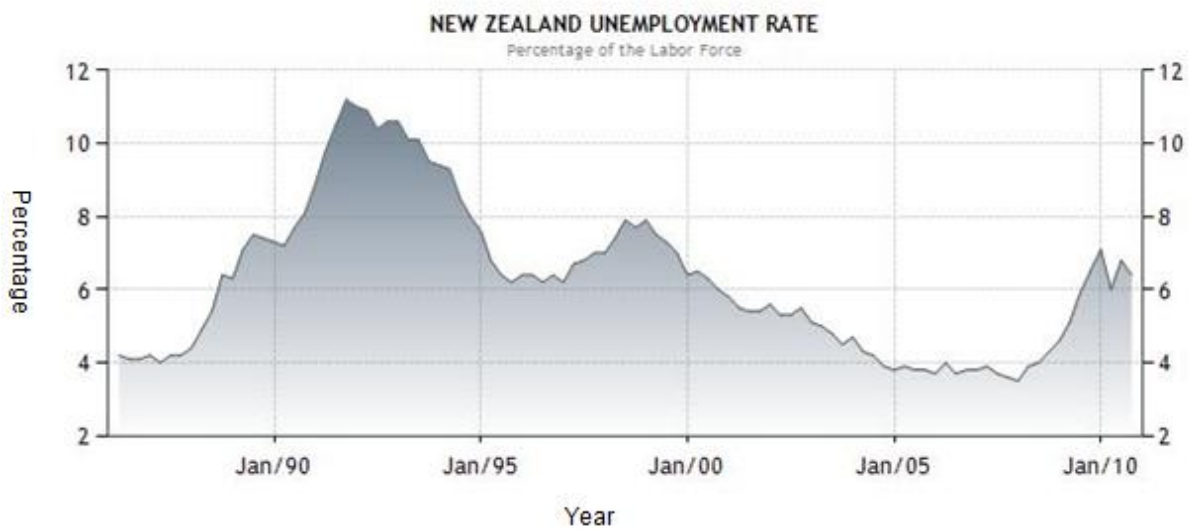
under attack – both culturally, socially and politically - to promote restrictive policies or gain political support. The final influencing factor in this theory is ideological cycles; this consists of the changing attitudes present within a receiving nation in regards to immigration. An ideological cycle that is used within the SEFP theory uses WWII as an example. This theory claims that the ideology used by the Fascist powers during WWII delegitimized the use of racist terminology within immigration control policy. This was coupled with the burgeoning civil rights movement of the 1960s-1970s that resulted in a review of the then highly restrictive immigration policies of the major Western nations. As a result, these ethnically-focused criteria were abolished and replaced with more economically-focused immigration policies. Despite this, many Western nations continued to have restrictive policies that do not use racist terminology, showing the limits of the ideological cycle.

New Zealand Case Study Application

To successfully apply this theory to a New Zealand case study, all five factors must be analysed in regard to the ten immigration policy changes that have been selected. The state of the economy easily fits with the 1964 Immigration Act, the 1974 Immigration Review as well as the review in 1986-7 and the 1991 Immigration Amendment and the 1995, 2002 and 2003 Immigration Adjustments. All of these policy changes reflect the needs of the New Zealand economy, and stress the importance of admitting foreign investors as well as skilled migrant workers who will benefit and strengthen the New Zealand state. At the same time, however, this factor can help explain why there are many restrictions included in these policy changes that focus on limiting the numbers of unskilled migrants. The economy factor focuses on economic growth as a main indicator for whether the immigration policy is restrictive or liberal. Although there is difficulty in tracking New Zealand's economic growth

before the second half of the 1990s, it is clear from the statistics available what sort of economic growth New Zealand has experienced in the past. Unemployment is a key aspect in the state of the economy factor of the SEFP theory, and can be used to measure and analyse New Zealand's economy in relation to the immigration policy. The high unemployment rates during the late 1980s and 1990s coincide with the immigration policies that promoted stronger measures on restricting entry and focused on gaining skilled migrants and investors. The drop in unemployment numbers during the mid 2000's could also explain why the 2003 Immigration Adjustment focused less on restricting immigration but instead promoted the Immigration Settlement Strategy.

Figure 6 highlights how New Zealand's unemployment rates fit with the state of the economy factor, as the theory claimed that during times of high unemployment, immigration policy would become more restrictive due to perceived competition between native workers and migrants for employment and other resources; resulting in pressure being placed on the government to limit migrant flows. In times of low unemployment, however, such as during the mid 2000s, migrants were not perceived as a threat and the immigration policy could therefore become more liberal.

Figure 4.4: New Zealand Unemployment Rate 1985-2010

(Source: Trading Economics, 2010)

The second major factor of the SEFP theory is wars; as the presence of an outside threat can initiate a growth of xenophobia directed at outsiders or foreigners, and lead to the introduction of restrictive policies. New Zealand has not had the history of war that other nations have had, perhaps due to a combination of New Zealand's size, resources, isolated position in the world and the lack of bordering nations. This does not mean, however, that this factor cannot be used in the analysis of New Zealand immigration policy. The main instance where this factor has influenced New Zealand immigration policy can be seen in 2005 Citizenship and Passport Acts; as there was a direct focus on preventing terrorism (Ministry of Internal Affairs, 2010). This Act is a result of the international security crisis that was created by the 2001 9/11 attacks on the United States as well as the continued pressure resulting from the 'War on Terror'. The Passport Amendment Act can be seen as a response from the New Zealand government to the increased demand for border security and safety both at a national and international level. The Passport Amendment Act in particular detailed new legislation regarding increased measures for border security, such

as allowing the personal information of passengers and migrants to be disclosed if deemed necessary. Section 20A of the Passport Amendment Act details that the Minister is able to recall or cancel a New Zealand passport if there is reasonable grounds to believe that “the person is a danger to the security of New Zealand” (Parliamentary Counsel Office, 2005). This includes the person engaging in both an act of terrorism, unlawful activity that could result in damage occurring to New Zealand, or the proliferation of weapons of mass destruction (Ibid). These details reveal how closely the 2005 Act fits with the war factor of the SEFP theory, as the aftermath of 9/11 and the ‘War on Terror’ resulted in the tightening restrictions on immigration-related policies and areas such as citizenship and passports.

The foreign policy factor of the SEFP theory is a new area of immigration policy change that has not been mentioned in any other theory examined in this thesis. This factor fits with many of the immigration policy changes, in particular the 1964 Immigration Act, the 1973 TTTA, the 1974 Immigration Review, and the 2002 Immigration Adjustment. All of these focus on allowing access to specific migrants for either a closer economic relationship or a regional group. The 1964 Act was the first policy that introduced the concept of permits for non-British migrants, indicating that New Zealand was moving away from the White New Zealand policy and allowing access to a wider range of migrants. The Act was a result of New Zealand needing to diversify its international relationships in regard to trade and support, as it could no longer depend on Britain to maintain its major trading ties. The 1964 Immigration Act is a clear reflection of New Zealand attempting to develop a new foreign policy that would provide opportunities for relationships with nations that were previously overlooked under the White New Zealand policy.

The 1973 TTTA focuses on New Zealand gaining a closer relationship with Australia, in allowing free and open access between the citizens of both nations. This arrangement fits with the foreign policy factor as the 'open door' policy is a clear reflection of New Zealand wishing to strengthen the relationship with Australia. As New Zealand's closest neighbour and trade partner, Australia is a vital market for New Zealand goods, as well as being a strong military ally. Under the foreign policy factor, New Zealand's desire to maintain strong communication and relations between the two nations resulted in this unique open access arrangement. The TTTA can also be linked to the 1974 Immigration Review and the 2002 Immigration Adjustment as these all create and support ties between New Zealand and its Pacific neighbours. The 1974 review created the Pacific Review, where migrants from Niue, Tokelau and the Cook Islands were allowed free access to New Zealand; and a specific number of migrants from Samoa were allowed immediate access under the Samoan Quota. The 2002 adjustment furthered these links by creating the Pacific Access Category, allowing an annual quota of specific Pacific migrants guaranteed permanent residence. The islands that were included in this category were Tonga, Kiribati and Tuvalu. These immigration policy changes, as with the TTTA, could show New Zealand attempting to band together nations within the Pacific in order to strengthen regional relationships and create geographical ties.

A further factor from the SEFP theory is the volume of dissimilar composition. Under this theory, xenophobic feelings of the receiving society can be exploited by the anti-immigration movements in order to further their own interests both socially, politically and financially, which results in the imposition restrictive immigration policies. Although this factor does not fit with specific policy changes in New Zealand, it does equate with the

emergence of New Zealand First in 1996 and the continuing role that the party plays within New Zealand politics. The focus of New Zealand First on dissimilar races, such as Asian, Indian and Muslim highlights the volume of dissimilar composition factor. This theory suggests that these migrants would be seen as diverging from the dominant ethnic, racial and cultural norm of New Zealand. In 2003, Winston Peters declared that, “the government's lax immigration laws are changing the face of our country forever. At this rate, it won't take long for New Zealand to be unrecognisable” (The Age, 2005). Later that year, Peters furthered his argument that New Zealand needed an immigration policy change by claiming that “all this immigration (to New Zealand), wholesale as it is, and unparalleled anywhere in the world, has not closed the skills gap, has not increased our export base, has not increased our wealth” (Ibid).

The continued focus of the New Zealand First party on Asian, Indian and Middle Eastern migrants fits with the volume of dissimilar composition factor; however, it also fits the main message of the New Zealand First party. The SEFP theory claims that the founders of the anti-immigration movements use the expectation that the major ethnicity is under attack in a cultural, political and social sense in order to promote restrictive policy. This claim could also fit with many anti-immigration group comments. The repeated slogans of Asian colonisation and Muslim threat could be seen as exploiting the feelings of the public in order to gain a more restrictive immigration policy; as well as further their own political interests. Furthermore, the volume of dissimilar composition factor could also explain what the Economic Consideration theory could not; why nations such as New Zealand continued to have restrictive immigration policies toward specific races –such as Asian and Eastern European citizens - when it was economically detrimental to do so.

The final factor of the SEFP theory is ideological cycles; this is similar to the volume of dissimilar composition as it covers immigration policy change as a whole rather than examining specific changes. This factor looks at how attitudes on racism can create or delegitimize restrictive policies by influencing policy content. This factor introduces a new aspect to the 1964 Immigration Act and the 1974 Immigration Review; as previously the move away from the White New Zealand policy could be seen as mainly economically motivated. The introduction of provisions for non-European migrants in 1964 and the introduction of the skills-based category for migrant selection in 1974 could instead fit with this factor; as both these policy changes signalled an end to ethnic-based selection and a move towards more legitimate forms of migrant control. It could be that New Zealand transformed the White New Zealand policy as a consequence of the global shift in ideologies resulting from these international experiences. Indeed, many other Western nations also abolished their ethnically explicit criteria for selection during this time, including Canada, Australia and the United States. This may have influenced New Zealand to also abolish the ethnic-based selection process and allow access to migrants from a wider range of nations. The SEFP theory does comment on the limitations that the Ideological Cycle factor has on the extent that it can influence policy change on immigration issues. It is interesting to note, however, that although there are limits placed on immigration numbers, ethnically-based terminology is no longer used in New Zealand immigration policy.

The SEFP theory is highly developed and contains many factors that appear to have an influence on New Zealand's immigration policy. In addition, it fits with a clear majority of the selected immigration policy changes and introduces new aspects of influence that are not covered by any other theory. There are limitations to this theory explanatory power,

however; mainly that the SEFP identifies the key influences without specifying which is the most important or significant. In addition, this theory becomes more of a macro-theory in terms of the amount of factors that are introduced. Furthermore, factors such as the ideological cycle and volume of dissimilar composition are hard to prove or disprove because there is little evidence showing the effects. For example, large scale dissimilar immigration or cycles of ideology may not result in opposition for many years but may be triggered by something unrelated. The results may reflect these factors, but because there are no specifications within the theory it is difficult to analyse and prove.

4.7 Chapter Conclusion

This chapter focuses on the analysis of each of the five theories of international immigration control policy change with the ten immigration policy changes that have occurred within New Zealand. Historical qualitative analysis is important as only through comparative research can the theory that best fits with New Zealand immigration policy change be identified. Each theory was recalled individually so the main factors could be re-presented, which ensured that the application of the theory to the policy changes was as effective as possible. It was interesting to apply each theory to the policy changes of New Zealand and identify the similarities and differences between the case study nations used by the theories themselves. In many cases, the critiques of the theory were similar to the critiques of the theory application within New Zealand, as the lack of scope that some theories possessed was clearly evident. This led to theories such as the Economic Consideration theory, the Nation-State and Identity theory, and the Public Opinion theory being unable to explain the majority of changes in New Zealand's immigration control policy. The other theories that had more range in the identification of influencing factors on

immigration control policy were clearly the Socio-Economic and Foreign Policy theory and the Gap Hypothesis theory. These two theories fit with a majority of the ten immigration policy changes and were able to effectively identify the factors that contributed to these changes. The depth of this research allowed a strong analysis to be completed, and knowing the history of New Zealand immigration policy, as well as the background of the international theories, meant that the comparative research could be effectively undertaken. Further findings of this analysis will be discussed in the next chapter and a conclusion will be drawn based on this analysis.

Chapter Five: Finding the Change; Conclusion and Recommendations

5.1 Introduction

The aim of this thesis was to identify which of the five chosen theories of immigration control policy change provides the best fit with the selected New Zealand immigration policy changes through the use of a historical qualitative analysis. This chapter provides the conclusions of this analysis, and identifies which theories best explain the influencing factors behind each policy change. These trends have been summarised in tabular form (Table 2). This chapter will also review and explain the steps taken to reach these findings. Furthermore, it will aim at identifying what the main issues of the research were and relate them to immigration control policy as a global issue. This chapter will then focus on the research process itself and summarise the problems with the research as well as any new interpretations or observations that were found. Finally, it will recommend topics for future research projects to build and broaden the collective understanding of immigration policy.

5.2 Conclusions of Research

Table 5.1- Mapping the fit of each Theory with the ten New Zealand policy changes

	Economic Consideration	Public Opinion	Nation-State and Identity	Gap Hypothesis	SEFP
1964	Fit		Fit	Fit	Fit
1973			Fit		Fit
1974	Fit	Fit	Fit	Fit	Fit
1986-7	Fit		Some Fit	Fit	Fit
1991	Fit	Fit	Some Fit	Fit	Fit
1995	Fit	Fit	Some Fit	Fit	Fit
2002	Fit	Fit	Fit	Fit	Fit
2003	Fit	Fit	Fit	Fit	Fit
2005		Fit	Some Fit	Fit	Fit
2009				Fit	Fit

This thesis was able to identify the key factors that have influenced New Zealand immigration policy and thereby discover which internationally recognised theory of immigration control policy change best fits with New Zealand immigration. To achieve the aim of determining which theory best fits with the New Zealand case study, this thesis has identified ten immigration policy changes that have occurred within New Zealand. These changes have been used in the comparative analysis to determine which theory best fits with the New Zealand situation. As shown by Table 2, the theories that have effectively explained a majority of the immigration policy changes are the Socio-Economic and Foreign Policy theory, and the Gap Hypothesis theory.

At the beginning of this thesis, the dissertation focus was on the factors that had influenced New Zealand immigration, with no real idea of the depth that these factors required. Three factors that were identified as being important to immigration policy transformation throughout New Zealand history were: economic, political and environmental factors. However, as research began and the international theories of immigration control policy change were brought in to help analyse New Zealand immigration, it was discovered that those three factors were extremely broad and needed further refining. The factors that were identified by each theory were far more comprehensive and compelling than the ones originally proposed by the dissertation. Finding which theory of immigration control policy change fit best with New Zealand as a case study, and using ten immigration policy changes that actually occurred meant that a deeper analysis of New Zealand immigration could be achieved.

5.3 Results Explanation

There are many aspects to immigration policy, and even in a small nation such as New Zealand - that has both a relatively short history of immigration as well as the benefit of secure borders - immigration continues to be a sensitive issue with many complexities. Immigration policy is substantive in all nations, whether they are receiving or sending migrants, so it is important to identify the key factors that have influenced an immigration policy change as well as use a comparative analysis to identify which theory best examines and explains these factors. Immigration connects nations together and contributes to the growth and development of countries that otherwise would not have access to the necessary labour, skills and experience. Therefore, it remains a significant issue in world politics and requires attention and analysis. Using a historical qualitative analysis was the best way to ensure that this research process gained successful and accurate results; as this allowed the thesis to gain deeper analysis on the research topic by using historical data that may have been missed if a quantitative approach had been used. Researching this topic has definitely identified how globally important immigration policy is, and through the use of qualitative data this feature has been portrayed throughout the thesis.

By using the ten immigration policy changes within New Zealand coupled with the five chosen immigration control theories, this thesis was able to analyse New Zealand's history of immigration in great detail. This has lead not only to a greater insight pertaining to what factors have influenced immigration policy changes since 1973, but also allowed a deeper comparative analysis of each theory. Through this historical qualitative analysis, the thesis found that the immigration policy of New Zealand was consistently transformed due

to several reoccurring factors. These factors included: foreign policy considerations; attempts to control the rising levels of migrants; economic interests; regional matters and the issues surrounding national identity. By identifying these main influencing factors, this thesis was able to conclude that the theories that best fit with New Zealand immigration policy are the ones that also identify these factors in their explanations of why immigration control policies are changed. The theories are the Socio-Economic and Foreign Policy theory and the Gap Hypothesis theory. The Socio-Economic and Foreign Policy theory correctly identified that a combination of economic and foreign policy factors had a strong influence on immigration policy change.

Furthermore, it covered national identity issues by looking at the volume of dissimilar composition within incoming migration cycles. As previously discussed, however, the theory was more of an identification of factors that have influenced immigration control policy than a theory that discussed why immigration policy changes within a given nation. Having the identification was incredibly helpful and many, if not all, of the factors that were identified by the Socio-Economic and Foreign Policy (SEFP) theory have had a transformative effect on New Zealand immigration policy at some point. The main flaw of this theory was within the level of analysis, however, as it was more of a macro-theory without the same depth and analytical relevance as the Gap Hypothesis theory. Although this theory indeed identified most of the factors that have influenced immigration policy to change within New Zealand history, it did not explain why these factors existed, how they continued to influence change or why some factors were more important than others. This flaw is singular though, and does not take away from the fact that all of the factors identified by the SEFP theory can be seen as influencing policy change within New Zealand.

The Gap Hypothesis theory focused on the continuation of migration policy as the realities of immigration have adapted and changed over time. This theory also covered influencing factors such as national identity, the economy and the rising levels of migration to explain some of the reasons why the realities of immigration can change and therefore no longer be controlled by the immigration policy. Furthermore, the Gap Hypothesis theory looked at the reasons why these factors emerged to influence immigration policy, rather than just identifying the factors themselves. The theory focused on the reasons why the realities of immigration could change, how they have changed over time and in different nations and how to recognise when a policy gap has been created. Having this depth makes the Gap Hypothesis theory highly relevant to this research process and also extremely valuable to this line of immigration policy analysis. Nevertheless, the Gap Hypothesis theory has flaws as well; most of which are identified in the second and fourth chapters. These flaws include requiring the nation being analysed to have a coherent immigration policy, which many non-Western nations do not have, and other nations such as New Zealand have only recently gained. Furthermore, the gaps in policy are identified by analysing public opinion and backlash that are very difficult to quantify and therefore easily misinterpreted. Both these theories have flaws, but they are focused on the theory itself rather than the factors they identify. Both theories clearly fit with New Zealand immigration policy changes – despite these flaws- and remain the only theories that successfully answered the proposal of this research topic; to identify key factors that have influence immigration policy change.

5.4 Relation of Immigration Policy to World Issues

Immigration is a globally important political and social term, and is therefore a highly significant research topic. Immigration is not just related to national issues, but too many

other important world issues as well; ensuring that any immigration research cannot just focus on one aspect of immigration without exploring both historical and modern political, social and environmental elements. This can involve many topics, including the economy, national identity and security, global inequality, human rights and international diplomacy; there are many reasons that are given for the continuation of the migration cycle and all of these are related to an immigration policy study. Immigration involves the movement of people around the world, and is therefore related to the fundamental issues that accompany human interaction. As scholar Rayna Bailey pronounced, “Immigration and migration are not practices that evolved with modern societies. Rather, immigration and migration are as old as civilisation itself” (Bailey, 2008; 1). In mind of how ancient the practice of immigration is, it is surprising how new some of the issues surrounding the migration cycle appear in modern media. This can be seen particularly during the 1990s, when the rapid growth of immigration flows from developing nations to developed nations created a panic in many of the Western countries. The rise in migration numbers could be linked to the same topics that are listed above; especially the economy, as “the 1990s were years of marked economic growth, which created a great deal of wealth and inequality” (Cohen, 2001 quoted in Wiggan and Hutchinson, 2009; 14).

With the rise in numbers, global issues such as the world economy become intrinsically linked with immigration, as the incoming migrants become viewed as either threats to national growth and industry or paramount to the nations continued development. Some scholars took this further, and believed that immigration could also be a threat to national identity and security. Many scholars, such as Kaplan (1994) and Weiner (1995) suggested that the rise in migration numbers during the 1990s meant that the identity of the Western

nations was at a high risk of being threatened. The only solution to prevent this threat was “a fundamental change in national policies, including the militarization of borders, vastly changed rules of entry, and new policies to deal with the immigrant undocumented population that is already here” (Geyer, 2007;101). This view was covered in New Zealand by the New Zealand First party, but they were not alone in the global context of demanding more restrictive immigration policies. This view was also very strong in the United States and European nations, showing how important immigration is as a global issue.

Furthermore, immigration can not only be linked to the global economy, but also to global inequality and human rights. The rise in immigration numbers also increased the awareness that scholars focusing on immigration needed to look at the causes, or push-pull factors, that created these mass movements of people. The push and pull factors were condensed into four main groups; economic/professional migrants who move nations in search for higher wages or increased living standards. Political migrants are pushed from their native countries by war, religious and ethnic cleansing or corrupt government policies; while retirement refugees are looking for nations with higher climates and lower living costs. Natural disaster migrants, however, are usually pushed from their native countries due to devastation and lack of employment and welfare (Bailey, 2008). Each of these four groups helps relate immigration to a greater world issue. Economic and professional migrants usually move to the West, as; “after WWII the new global governance institutions were launched with the primary objective of securing the economic advantage of the West, even to the disadvantage of colonies, their economic benefactors, which were seeking political and economic independence” (Wiggin and Hutchinson: 13).

This means that the developed nations of Europe and the United States actively encouraged global inequality as a means for economic advantage, thereby creating the mass migration from the developing colonies to the developed Western states that can still be seen today. Political migrants represent the issues of human rights, as many of these people are fleeing persecution in their own nation. This can be seen in many African and Eastern European nations; as scholar Rayna Bailey argued, “people from Africa, including Nigeria, Gambia, Sierra Leone, and Liberia, migrate, many illegally, ... to escape poverty and political turmoil in their homelands” (Bailey, 2008; 15). Human rights is a vitally important global issue that is clearly linked to immigration and immigration policy; as it is one of the main ways that citizens of one nation are forced to take refuge in another, thus creating the migration cycle. Immigration is an issue for every nation in the world that can bring great rewards such as skilled workers and economic innovation, but can also have a vastly negative effect in terms of native worker competition and cultural threat. It is important to recognise that immigration policy has far-reaching consequences and affects more than one nation. Nevertheless, knowing the history of immigration policy for a nation can ensure that these effects are recognised and taken into account whenever a new immigration policy is created; ensuring the mistakes of the past are not repeated and that desperate people can find safety. In addition, knowing what the global complexities are for immigration policy can ensure that immigration is not seen as an isolated issue for a single nation, but one with a global reach that is closely related to many other issues of international political and social science.

5.5 Future Research Recommendations

This thesis has begun the research focus of looking at New Zealand's immigration control policy changes and using a historical qualitative analysis in order to find which theory best fits and explains why immigration policy changes. This is only a start, however, of immigration policy research within New Zealand. There is further research that needs to be done, particularly because New Zealand has often been left out of major comparative analysis by political scholars in the past. In order for the collective understanding of immigration policy to be broadened, this research must be taken to the next level of comparative analysis; including a comparison with nations close to New Zealand, such as Australia and the Pacific Islands of Fiji, Tonga and Samoa. These nation's immigration policies would be highly interesting to compare to New Zealand, especially as each have different forms of government. Fiji has a military-based government, Tonga has a constitutional monarchy, while Australia is a federal democracy and Samoa is a parliamentary democracy. It would be significant to compare each of the theories of immigration control policy change to these nations and analyse which one best explains the factors behind the nation's policy changes. This could help explain what changes are being made to immigration policy within the Pacific region, but also explore the similarities and differences of each nation in terms of their government and their stance on immigration itself. This research would help further understanding of what factors play a key role in immigration policy change and why change occurs. Such understanding is highly important as immigration remains a vital and controversial part of global politics and diplomacy.

Other ways this research could be further used to gain a wider understanding of global immigration policy change is to use a comparative analysis with other, older nations.

Previously, research has been somewhat limited to major migration destinations, such as the United States, France, Britain and Canada. While this research is highly valuable, a way that this could be continued is to use a comparative analysis between states with long immigration histories - such as those listed above - and states with relatively short immigration histories, such as New Zealand, Australia and other European colonies. This would enable research to show whether states with long histories have made similar immigration policy changes than those with shorter histories; or whether there are marked differences. By analysing each nation's immigration policy change with the five theories, there will be something concrete as a marker for comparison. This would be highly significant as the immigration policy changes of each nation could show how policy failures or successes have had a consequence on modern immigration policy, as well as show where the future of immigration policy for the less-experienced nations may be heading.

The last research idea that could further this topic would be exploring other theories of immigration control policy. This thesis has only included five theories that were the most recognised by immigration policy scholars. It would be highly interesting, however, to apply lesser known or accepted theories to changes in New Zealand immigration policy, and determine whether any of these theories provide a more satisfactory explanation to these policy changes. It would also be interesting to look specifically at the theories that have been created to explain immigration policy change, and analyse when they were created, why they were created and what has changed in global immigration policy that means that they are no longer as accepted.

5.6 Summary of Research

This thesis concluded that the theories that best identified and explained the factors that have influenced the immigration policy of New Zealand to change were the Gap Hypothesis theory and the Socio-Economic and Foreign Policy theory. This research project ended when the analysis of applying each of the five theories to the ten immigration policy changes showed clearly that these were two theories that best fit with most, if not all, of the policy changes. These two theories were able to identify more than one way that immigration policy can be influenced, and therefore allowed many different factors to be identified. This set them apart from the other theories that focused on one or two specific factors, as by concentrating on only a few influencing factors, they remained unable to achieve the depth of analysis that the Gap Hypothesis and the Socio-Economic and Foreign Policy theory (SEFP) achieved. This was an important fact to consider, as this research must also relate to the greater environment of immigration policy. Each nation has both similarities and differences in their individual immigration policies, but immigration remains a complex political and social term and it is inherently reasonable that such complexity cannot be satisfactorily explained by only one or two factors.

Therefore, it was important to focus not just on which theory could be describe and fit with New Zealand immigration, but look at what theory could best fit with immigration policy changes in a global context. The Gap Hypothesis theory identifies changes and gaps between the realities of immigration and the immigration policy of a nation, which can be contributed to many influencing factors that are universal to immigration; such as the

state's economic needs and incoming migrant numbers. This theory can be used by many different nations, not just New Zealand, because it has an over-arching analysis; which is why it fits with the given immigration policy changes. In a similar way, the SEFP theory identifies many different factors that have influenced - and continue to influence – immigration policy change; making it suitable to fit with immigration policy changes from a range of states, including New Zealand. Using this range of influencing factors, including economic needs, volume of dissimilar composition and foreign policy considerations; this theory clearly identifies that immigration policy is multifaceted and complicated, and is therefore more likely to be influenced by a range of factors. Immigration and immigration policy remain a vital element in world affairs and therefore is an important aspect to research. These two theories were found to fit with the New Zealand case study and identify the main influencing factors behind the ten selected immigration policy changes; thus completing the dissertation statement and completing the research proposal.

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